3

FRAUD and OPPRESSION detected and arraigned.

Or

An Appeal to the *Parliament of England* in a ſhort Narative and Deduction of ſeverall Actions at Law, depending in the Ordinary Courts of Juſtice in *Holland* & *Zealand*, between diverſe Subjects of the *King* of *England*, and the Subjects of the *States Generall* of the *Seven United Provinces*.

With ſeverall remarkable Obſervations and Animadverſions thereupon, by the Creditors of Sr. William Courten, Sr. Paul Pyndar, Sr. Edward Littleton *and* Willam Courten *Eſquire deceaſed.*

Faithfully recollected and digeſted into a Method by *G. C.* a Lover of his Countrey.

Whereunto are added

Some neceſſary Advertiſments concerning the improvement of Navigation and Trade.

BODLEIANA · BIBLIOTHECA ·

Printed Anno Domini 1676.

To the Right Honoble and Right Worfull:
The Lord Major of London; *And the Aldermen*
& Common Councell of the Citie for the time being.

Right Honoble & Right Worfull:

YOU were pleaſed to ſend a Letter of Recommendation, dated the 13th of Septemb. 1675. under your Citie-ſeal, to the Magiſtrates of *Middleburgh*, in my favour, deſiring their Lordships, to adminiſter Juſtice with all Expedition, according as the merits of the cauſe required, promiſing the like aſſiſtance, and diſpatch to any of their Inhabitants, who should have occaſion to proſecute any ſuits at Law in your Courts of Juſtice. What ſlender effects all your forcible Arguments (concerning the maintenance of a good correſpondence and commerce) produced, the abſtract of the proceedings thereupon will shew. Notwithſtanding it was made known to the Burgermaſters, that there is not a parish in *London*, nor a County or Citie in *England*, where there are not ſeverall Orphans, Widows and others (Creditors of Sr. *William Courten* and Sr. *Paul Pyndar*) whoſe Complaints and Cries call aloud for ſatisfaction and reparation from the *Hollanders* and *Zealanders*, that have taken the bread out of their Mouths. I shall not make any long repetitions of the caſes, the ſeverall actions and pleadings being printed at large in *French* and *Dutch* by Mr. *James Boevé* and my ſelf, & published to the whole World (being neceſſitated thereunto) for our Vindication in

anſwer to a moſt ſcandalous Book ſet forth by the Sons & Heirs of Mr. *Peter Boudaen* reflecting not onely upon our perſons, but upon the Judicature of *England*, which the Lords of *Middleburgh* & the Supream Councill at the *Hague* have wronged by their erronious Judgements, contrary to Law and Equity, & the practiſe of all other Nations.

I ſubmit the whole Matter to Your favourable conſtruction & interpretation: Craving nothing more then Your good opinion, and juſt reſentment of the Caſe in a further recomendation to the Parliament. It being of moſt pernicious conſequence to all English men in their properties who dayly trafficque into *Holland and Zealand* to be rendred tenants at will (by ſuch Preſidents) to the Magiſtrates of *Middleburgh* and *Amſterdam*. As to the Advertisments concerning Navigation & Trade, I preſume they will naturally fall under Your moſt ſerious conſiderations, having now the faireſt proſpects under Heaven from *London*, to all forraign Parts.

And that all proſperity and happineſs may attend you and Your affairs in the Honoble Government of the Citie under the moſt Ancient & Royall Charter ſucceſſively confirmed by the Crown of *England*, (amongſt the reſt of your Votaries) shall be the dayly prayers of him that is

Right Honoble & Right Wor.full

Your

Amſterdam, Auguſt 10th. 1676.

Moſt humble & devoted Servant

George Carew.

To the good Subjects of

GREAT BRITAIGN,

More eſpecially to thoſe that live in the Kingdom of *England*, under the Government, and protection of that *Crown.*

Kind Countrymen.

IT *is not the deſign of the Author (or any that claim under his Letters of Adminiſtration by publiſhing theſe following Narratives and obſervations thereupon) to create any new differences, but to put a Period unto the Old, and prevent the like inconveniences and miſchiefs upon miſtakes for the future.*

Now that the Reader may not loſe his time, or trouble himſelf in peruſing long diſcourſes without any pleaſure or advantage; All things are contracted into orders, acts & paragraphs, reduced under three heads, and this ſmall volume into three parts.

The firſt concerning particular actions at law depending between Engliſh men and the Subjects of other nations in forraign Courts of Iuſtice.

The ſecond concerning Treaties of common Alliances, and Commerce between Soveraign Princes and States.

The third concerning improvement of the trade and navigation belonging to great Britaign and the Dominions thereof.

So that every man may take his choice at vacant hours to look into what place his fancy and diſpoſition leads him to. In the ſecond part there are ſome Speculations and animadverſions intermixt upon divers ſelect Articles of Peace and common Amity, that recriminate the actings of ſome perſons, and demonſtrate the forgetfullneſs of others.

When Charles *King of* Sweden *had regained his lands and Cities taken from his Predeceſſors by the conqueſts of* Chriſtianus *King of* Denmark *and* Norway, *It was mutually agreed in a publique Treaty that all the Prints and ſculptures of triumphs and trophies, which the* Danes *had in their houſes of the former victories againſt the* Sweeds *ſhould be brought forth and burnt before the Ratification of the peace in the open Market-place, under great penalties for any concealments, that the very thoughts of the* Daniſh *victories and Triumphs might be razed out of the peoples remembrance. But the* Hollanders *have been ſo unkind towards the* Engliſh *(which ſo often aſſiſted them) that I cannot omit in this Preface to let you know how they have publiſhed ſeverall books in* Latin, French, *and* Dutch, *(yet publickly ſold) with impreſſions of copper Plates and ſculptures, many whereof are ſent into all parts of the World, preſuming thereby to intail both reproach and infamy upon the* Engliſh *Nation for ever.* Hornius *the Hiſtorian Profeſſor of* Leyden, *in his Book intituled* Orbis Politicus *written in the year 1668. ſpeaking of the forces of* England, *ſaith*: De navali Anglorum Potentia nullum eſſe dubium, quippe in qua hodie poſt Belgas, Gallos & Danos Cæteris Gentilibus ſunt ei ſuperiores: hoc autem A°. 1666. prælio Maritimo a Belgis Fœderatis profligati, imperium quod prætendebant Maritimum amiſerunt.

* *

Another

Another Dutch *Author in his Treatiſe* de cauſis Belli Angliæ, primi & ſecundi, *hath filled his Book with many ſcandals and invectives againſt the King and Kingdom.*

A third who hath written an Apendix to Cluverii Hiſtoria Mundi *is not wanting in his Calumnies upon particular perſons and the Nation in Generall.*

A fourth that writes in French, Le diſcription Exacte des guerres d' Angliterre *often Characherizeth the* Engliſh *for thievs and Cowards, and mentions a brave anſwer that the States Embaſſadors gave unto the King and the Lord Chancelour* Hyde *during the treaty A°.* 1662. Qu'en effet M^rs^. les Eſtats avoient fait paroiſtre devant le Monde l'eſtime qu'ils faiſoient de l'amitié du Roy, & plus, ſi (hors d' eſpoir) quelque inconvenients ſe donneroient par la defaite de ces traitées il ne manqueroit rien à M^rs^. les Eſtats pour leur defences.

Which the Hollanders *do often boaſt of, and ſay, it did ſo terrifie his Majeſtie, that he preſently concluded the Treaty of Alliance, and ratified the ſame on the ſixth of Ianuary* 1663. *old ſtile.*

The prints of attacking Chattam, *and the ſculptures of the* 4 *glorious Victories in the laſt warr, are lately ingraven at* Amſterdam, *in the year* 1675. *and hung up in many Barbers ſhops and Tap-houſes; which renders* England *to be as contemptible and poor in ſome mens eyes, as the* Hollanders *are inſolent and falſe in others. Who are not ignorant, that by ſeverall Generall Councells at* Conſtance, Piza *&c* England *was accounted the* 4th *part of* Chriſtendom? *the other* 3 (*viz*) Germany, France, *and* Italy, *all ways had due reſpects for that little world incompaſſed with the main Ocean, in regard God and nature had from the beginning deſigned* Great Brittaign *for the ſoveraignity of the ſea. The* ſeven united Provinces *were not then in Conſideration* (whoſe Land in the Extent, exceeds not Yorkſhire, and Kent) *that now boaſt ſo much over us, Since they have Magnified themſelvs by leſſening others, and violating the Laws of Common humanity and gratitude.*

Yet theſe are the good people, that at all times, when they are pincht, and brought under any neceſsity, or interrupted in their trade, call upon the Subjects of England *for help, and cry out to the* Parliament *to ſtand up for their Religion and liberty, againſt the Enemies of the* Dutch *proteſtant reformed Church and State: Although at the ſame time the* Hollanders *are in ſtrict leagues and confederacies with the popiſh Princes of* Auſtria and Spain, *and in Combination with the* Jews *and Pagans to undermine the King of* great Britain *and his Subjects in their trade and plantations in all quarters of the Earth.*

The old war with Spain *for Religion is forgotten, intereſt now Governs the world; and ſince trade is become the religion of* Holland, *and money their God, no reaſon or Conſcience can take place againſt them in civil actions, where their intereſt is concerned; and in matters of State the* French *league with* England *againſt thoſe* Iſraelites *was cryed down for a* papiſticall deſign.

After the laſt part with the Obſervations upon it, there follows the Authors Advertiſment and Proteſt in plain Engliſh *for his dammages, coſts and intereſt; who doubts not but to find Friends in* England, *that will be friends to Iuſtice for Iuſtice ſake, and at laſt undeceive themſelvs that have been ſo long deceived by others.*

Contracts lawfully made, cannot lawfully be broken; but if a covenant be broken in a contract, the parties injured are left at liberty, And the Hollanders *are as well obliged to perform their treaties with Princes, as they are prompt to break their Covenants with their Subjects.*

I remain your Friend
and Servant,
G. C.

Hague Septemb. 2.
1676.

To the
KINGS
Moſt Excellent
MAJESTY.

The humble petition of George Carew Eſqr. *Adminiſtrator of the Goods and Chattels of* Sr. William Courten *and* Sr. Paul Pyndar *Knights deceaſed. Aſſigneé of* Sr. Edward Littleton *Baronet, Procurator & Aſſigneé of the Commiſſioners appointed to Execute a Commiſſion under the great Seal of* England *concerning* Mr. Courtens *Eſtate, on the behalf of himſelf, and ſeveral others Proprietors and Creditors, your* Majeſties *good Subjects.*

Sheweth.

THat the *Eaſt-India Company* of the *Netherlands* did in the year 1643. take the two Ships *Bona Eſperanza* and *Henry Bona Adventura* of *London* with all their Goods and Merchandizes, upon trading Voyages in the *Eaſt-Indies*; and alſo all the Books, Contracts, Writings, Bills of Lading and other Papers concerning the ſame, contrary to Juſtice and Common right, which proved to the Dammages of your Petitioner and other Proprietors *one hundred & fifty thouſand pounds Sterling* and upwards, as by the ſeverall Depoſitions, Examinations and Reports of the Judge of the High Court of Admiralty, and your *Majeſties* Advocates General appears.

That in proſecution of Juſtice and reparation, your *Majeſty* was moſt graciouſly pleaſed particularly to own the ſaid Cauſe, in a more Eſpeciall manner in the Treaty Aº. 1662. than all other Dammages of that nature, to your Subjects, in regard of the many ſervices and Sufferings of Sr. *William Courten*, Sr. *Paul Pyndar* and other Intereſſed, that had lent ſeverall great ſums of Money to his late *Majeſty* your *Father* (of ever bleſſed Memory) at uſuall intereſt, towards the ordinary Charge of the *Crown*, before the year 1640.

which remains yet unſatisfied; although moſt part of thoſe Moneys (belonging to Orphans and Widows) was taken up upon the Credit of the ſaid *Courten* and *Pyndar*.

That upon the humble addreſſes of your Petitioner and Severall of the other Proprietors and Creditors in the year 1672. claiming under your Petitioners adminiſtration, Your *Majeſty* moſt graciouſly appeared again concerning the Dammages of the ſaid Ships, holding your ſelf obliged in Juſtice and Honour to get ſatisfaction from the principall Offenders for the ſame: As appears by the orders of the *Council Table*, and Reports of the Commitee of *Lords*, intimating the Merits of the ſaid Cauſe to your *Majeſty* accordingly.

That notwithſtanding all the orders, proceedings and eſpeciall grants, undere the great Seal of *England* concerning the ſaid Ships, Goods, and Fraights, the *Hollanders* do ſtill pretend, they are not obliged to give any ſatisfaction for the ſame, being made a debt incumbent upon the *Crown* by the laſt Treaty at *London*, whereby *eight hundred thouſand Pattacons* are to be paid unto your *Majeſty* by the *States Generall*, at four equall payments; for which the *Crown of Spain* ſtands obliged that they ſhall be paid accordingly.

Your Petitioner therefore moſt humbly prayeth, that your Majeſty *would be moſt graciouſly pleaſed to aſſign ſome part and proportion of the ſaid Money, (payable to your* Majeſty *by the* States) *unto your Petitioner, towards ſatisfaction of the ſaid Dammages and Loſſes concerning the ſaid Ships as aforeſaid, or to grant him ſome aſſignment other ways towards the ſame. And upon the* States *or* Spanjards *non-performance, to permit your Petitioner with the other Proprietors and Creditors to reprize their full ſatisfaction by the natural force of your* Majeſties *Letters Patents, granted for that purpoſe.*

And your Petitioner ſhall ever pray &c.

The Original hereof was Exhibited at Whitehall, in the Mond of June 1674.

Fraud and Oppreſſion detected and arraigned, in a ſhort Narrative, and Deduction of ſeverall Actions at Law, depending in the Ordinary Courts of Juſtice in *Holland* and *Zealand*, between Diverſe Subjects of *England*, and the Inhabitants of the *States Generall* of the ſeven United Provinces.

Sr. William Courten late of London Knight, Sr. Peter Courten his Brother, and John Moncy of London Merchant, their Brother in Law, traded in Company to moſt parts of the World, with a joynt ſtock, for the ſpace of 25 years and upwards. In which trade and ſtock, Sr. William Courten had one half part, and each of the other two a fourth. Whereupon they took up many great ſumms of money at intereſt, in the city of London, and elſewhere, in his Majeſties Kingdoms, which moneys were continued in the hands of the ſaid Partners during their Lives, as the proper debts of the ſaid Company, which are not paid or ſatisfied to this time.

The cheifeſt part of the ſaid trade, conſiſting in Hollands, Dypers, Damasks, and forraign ſilk Manufactures, there required always a great ſtock of moneys and goods to be abroad in the hands of workmen and others, for which purpoſe Sr. Peter Courten ſetled himſelf at Middleburgh in Zealand to correſpond with all the Factors, Weavers, &c. Where he alſo kept the generall Books of the ſaid Company for the whole trade out of England; and John Moncy likewiſe kept the Books of the ſaid Company of all the trade and Negotiations in England, wherein the goods of the ſeveral warehouſes in London, were brought into one journall and great book.

Sr. Peter Courten in the year 1630. died at Middleburgh, leaving his Nephew Peter Boudaen his ſole Executor who took poſſeſſion of all the books and Eſtate abroad, and charged himſelf with the accounts of the ſaid Company, wherein Sr. Peter Courten ſtood indebted unto the generall Stock at the time of his death the ſumm of 122000. pounds Sterling and upwards, the moſt part whereof being for moneys taken up at intereſt in England as aforeſaid, upon the Companies account and remitted to him accordingly. Anno 1630.

John Moncy, with Margaret his Wife (Mother of the ſaid Peter Boudaen) arrived at Middleburgh at Boudaens houſe, whither they went purpoſely in the year 1631. with the Ballance of the books kept in England, to liquidate and ſettle the accounts of the Company with the ſaid Peter Boudaen (the onely ſon of the ſaid Margaret by Matthias Boudaen her firſt husband) where the ſaid John Moncy, after he had advanced very farr in that work, fell ſick of a Lethargie, having made his laſt Will and Teſtament (as is pretended) on the 17. of October 1631. died the day following, in which will and Teſtament Sr. William Courten and the ſaid Peter Boudaen were nominated Executors, wherein was alſo mentioned to be given the ſumm of 4000. pounds Sterling to the Children of the ſaid Peter Boudaen, likewiſe 4000. pounds to Sr. William Courtens Children, and 4000. pounds to Heſter and Suſanna de Wyer (the Children of John Moncys onely Siſter) his Neyrs at Law, the Reſidue of his Eſtate to Margaret his Widow, after ſome ſmall Legacies to the Church and Poor. &c. 1631.

Peter Boudaen ſent the ſaid Will into England, where Sr. William Courten on the 26. of July 1632. exhibited the ſame, in the Prerogative-Court, and made probate thereof in Common Form, the Court reſerving the like power for the ſaid Peter Boudaen. Nevertheleſs Sr. William Courten left the Adminiſtration to Margaret the Widow of John Moncy, who ſold all the Goods of the Company in her own name, that were in her cuſtody, and received the moneys for the ſame, and the debts ſtanding out for the Companies goods, ſold by her husband, and remitted 4000. pounds thereof unto Peter Boudaen her ſon for the Legacies given to his Children by John Moncy as aforeſaid, before any debts of the ſaid Company were paid, which was not lawfull for her to do, or for Boudaen to receive. 1632.

In the years 1633. 1634. 1635. and 1636. Peter Boudaen ſent ſome part of the Companies Effects abroad, unto his Mother in Flemish and Holland Linen, in his own name upon a particular trade, and deſired his mother that particular books ſhould be kept thereof, which was done accordingly, by James Boevé her ſervant, that had lived with John Moncy and her ſelf ever ſince the year 1628. The goods in that particular trade ſent into England amounting unto the ſumm of 16000. pounds Sterling or thereabouts, was remitted from time to time by Bills of Exchange unto the ſaid Boudaen, as by the ballance of the accounts in Mr. Boevés Vindication appears. 1633.

Sr. William Courten having uſed all his endeabours to ſtate the accounts of the Company with Peter Boudaen, being very ſenſible of the Companies debts, died in much ſorrow and grief in the year 1636. before the accounts were liquidated, at which time Sr. William Courten ſtood indebted to ſeverall perſons 1644.

upon the Companies account the ſumm of 56000. pounds Sterling, and unto others for the ſumm of 54600. l. upon his own proper account, beſides 35600. l. that Sr. Paul Pyndar had lent him in the year 1635. upon his own and his ſons Obligations. Sr. William Courten having expended haſt ſumms of money ſome years before his death in Expeditions to the Barbados, which he firſt diſcovered, fortified, and planted at his own proper Coſts and Charges, and then was taken from him, and his Planters, by force and violence, his Officers and Servants murthered and ſpoiled, under colour and pretence of a right and property in the late Earl of Carliſle and his adherents, contrary to all juſtice and common right. As alſo in another good enterpriſe with Capt. John Weddall, Capt. Nathanael Montney, Endimion Porter, Thomas Kynaſton, and other Participants to India, China and Japan, wherein ſeverall Ships, Factories and ſtore-houſes were ſpoyled by the Eaſt-India Company of the Netherlands to the further dammages of Courten, and his Creditors, and the reſt of the Proprietors.

Sr. William Courten having left his onely Son and Heyr William Courten his ſole Executor, he took upon him the Execution of his Fathers will, notwithſtanding the great debts reſting upon the Companies account, beſides his Fathers own particular ingagements. Then Peter Boudaen ſent Iacob Pergens into England to aſſiſt and adviſe Mr. Courten in his affairs, or to intreague him into ſome actions and accounts to his own prejudice. Whereupon he lent him the ſumm of 2111. pounds 18. ſs. out of the moneys reſting in England upon Boudaens particular trade, for which Mr. Courten did on the 3. of Auguſt 1636. give a bond in the penalty of 3000. pounds for payment of the ſaid money unto Iacob Pergens, which bond was taken in truſt for the uſe of Boudaen and his Heyrs, as by a Declaration under the hand and ſeal of Iacob Pergens hereafter appears.

1637 In the year 1637. Mr. Courten ſent a ballance of the books kept in London unto Middleburgh, wherein it appeared that Sr. Peter Courten, and conſequently that the ſaid Peter Boudaen his Executor ſtood indebted to the generall ſtock the ſumm of 122139. pounds Sterling, moſt part whereof being for moneys taken up at intereſt as aforeſaid by Sr. William Courten and Iohn Moncy, and remitted by Bills of Exchange to the ſaid Sr. Peter Courten, who had contrary to his truſt bought ſeverall Eaſt- and Weſt-India Actions with part of the ſaid money, and expended more of it, in building great Houſes at Middleburgh, which are enjoyed by the Sons and Heyrs of the ſaid Peter Boudaen. Notwithſtanding the debts of the Company are yet ſtanding out, and the accounts of the Company ſtill ſtanding open.

In the ſaid year 1637. Iohn White that was a Caſhier to Sr. William Courten addreſſed himſelf in way of Marriage to Heſter de Wyer (the Niece of Iohn Moncy) unto whom a Legacy of 2000. pounds was given as aforeſaid, as alſo the like Legacy unto Suſanna her Siſter, whoſe Eſtate was gotten into the hands of the ſaid Peter Boudaen. Whereupon Iohn White demanding of ſome Friends, how he ſhould come by the portion, in caſe he ſhould marry with the ſaid Heſter; David Goubard, who was Witneſs to Mr. Moncys Will, and had been a Bookkeeper to Sr. Peter Courten, adviſed Mr. White to make a ſhew of queſtioning the ſaid Will, and the inventory of Moncys Eſtate, which he did accordingly: then Mr. Boudaen uſed all means poſſible to break off the Match, which he could not do: ſo an Expedient was found out to pay that Legacy with intereſt: then the diſpute reſted (pro tempore) without further proſecution.

1638. Iames Boeve Married with Suſanna de Wyer, the other Siſter, not doubting but to receive the like Legacy, and portion of 2000. pounds with intereſt, which was given by the ſaid Iohn Moncy, or ſo appointed in the ſaid will: but Peter Boudaen refuſed to pay the ſame, pretending that he had none of Moncys Eſtate in his hands, nor had intermedled with the ſame as Executor or Adminiſtrator, and ſo not liable by the Laws of England to the ſaid Legacy, where the Will was exhibited, and Mr. Courten diſclaiming the ſame, affirmed that Boudaen was a great debitor to the generall ſtock and to the Creditors of the Company, and therefore liable to the debts and Legacies of Sr. Peter Courten and Iohn Moncy.

In the Month of Iuly in the ſaid year 1638. Mrs. Moncy having ſold all the Companies goods, received moneys for the ſame, and diſpoſed thereof to Sr. William Courten and Others, ſhe went to Middleburgh to end her days with her Son Peter Boudaen, where ſhe died in the year 1640.

William Courten indeavoring to preſerve the credit and reputation of his deceaſed Father, Adminiſtred his Eſtate ſome years after his death, in which time he had perſwaded the late Earl of Bridgwater and Sr. Edward Littleton to be bound for 120000. pounds Sterling to diverſe Perſons in the Cities of London and Weſtminſter, where they had dzanned all the Scribeners, and Brokers about the Exchange, for the ſaid money, that was employed towards payment of part of Sr. William Courtens debts, and towards ſetting forth more Ships for the Eaſt-Indies, China, and Iapan to ſupply the Factories there, two Ships called the Dragon and Katharin being richly laden, and ſtrangely loſt upon the Coaſt of India.

Anno 1642. Sr. Edward Littleton being preſſed by ſeverall of the Creditors for payment of the debts, William Courten on the 26. of Aprill 1642. granted and aſſigned to him and his Heyrs by deed inrolled in Chancery, all his mannors, lands and tenements in the Counties of Worceſter and Glouceſter for the indempnity and counter ſecurity of Sr. Edward Littleton and his Heyrs, againſt the debts: And likewiſe all his ſtock and Ships in the Eaſt-Indies for the more ſpeedy and certain payment thereof. Soon after, Sr. Paul Pyndar earneſtly preſſing Mr. Courten for the ſumms of 24800. pounds, the remainder of that money lent to his Father as aforeſaid, Sr. Edward Littleton and William Courten did by an Indenture tripartite bearing date 19. of Decemb. 1642. grant, transferr and aſſign the Ships named the Heſter and the Paradox and all their ſhare and proportion of ſtock and Merchandizes therein, as alſo all their freights goods and ſtock in ſeverall other Ships ſet forth upon trading voyages to the Eaſt-Indies. Nevertheleſs under certain conditions and proviſoes, that the ſaid 24800. pounds ſhould be ſatisfied and paid by ſeverall proportionable

nable payments upon returns of the ſaid Ships (viz) out of the Heſter 4000. pounds, out of the Paradox 2000. pounds, out of the Bona Eſperanza 3000. pounds, out of the Henry Bona Adventura 2500. out of the Planter 5800. pounds, out of the Loyalty 5000. pounds, and out of the Ship Unity 2500. pounds, and the Surplus to be diſpoſed by Sr. Edward Littleton and his Aſſigns, towards payment of the ſaid debts for which he ſtood ingaged, as aforeſaid.

The Ship Bona Eſperanza and her lading was forcibly taken by the Officers and Mariners be- 1643.
longing to the East-India Company of the Netherlands, in her paſſage between Goa and Maccao, and carried into Batavia, and there without any Proceſs at Law, converted to the ſaid Companies uſe to the Dammage of Sr. Paul Pyndar, Sr. Edward Littleton and the Creditors, the ſumm of 75000. pounds Sterling and upwards. And in the ſame year the Ship Henry Bona Adventura with her lading coming on ground neer the Iſland Mauritius, was taken into poſſeſſion of the ſaid Company, and alſo converted to their uſe, to the Dammage of the ſeverall Perſons intereſſed and concerned therein, the ſumm of 12000 pounds or thereabouts.

In the ſame year 1643. William Courten abſented himſelf from his Creditors, and became inſolvent, and was afterwards declared to be Bankrupt in the Month of Septemb. 1643. within the intent and true meaning of the ſeverall Statutes in that caſe made and provided, as appears under the hands of James Winſtanley, George Cotton and Thomas Bayles Eſquires, Anthony Boys, Richard Norton and Gervas Billiald, Comiſſioners appointed under the great ſeal of England, to Execute the Comiſſion awarded againſt the ſaid William Courten grounded upon the ſaid Statutes made concerning Bankrupts.

James Boevé finding no appearance of money in England, applyed himſelf to Peter Boudaën in Zealand for the ſaid Legacy who had Mr. Moncys Eſtate in his hands, and laid his action ſeverally againſt him before the Magiſtrates of Middleburgh, who admitted Boudaen to bring all the Exceptions that could be (in pleading the Laws and Cuſtoms of England, where Mr. Moncys Will was exhibited by Sr. William Courten) to avoyd Mr. Boeves pretence, who was kept in Proceſs many Years together to his great Grievance and Expence, before any ſentence could be obtained, however Boudaen appealed from the ſame to the ſupream Court of Judicature at the Hague, where the cauſe is ſtill depending upon further Deratione and dilatory practiſes, and proceedings of Boudaen and his Sonns, to the ruine of Mr. Boevé and his Family, by neglect and loſs of his Comiſſions and other employment, to follow the ſaid Proceſs, as appeareth at large in Boeves printed vindication.

William Courten the Heyr and Executor, being ſo involved in debts of ſeverall natures, conſults privately with Mr. John Rushout and other particular friends, how to preſerve ſomthing abroad from the reach of his Creditors (if poſſible) for maintenance of himſelf and his family. And in order thereunto, firſt made a Letter of Atturney with an aſſignment to Iacob Pergens of Amſterdam dated the 31. of October 1643. wherein is recited, that whereas Sr. Iacob Catts of Dort, late Penſionaris of Holland, ſtands indebted unto Sr. William Courten in a bond of 3000. pounds Sterling dated the 29. of July 1631. for payment of 2080. pounds on the 12 of Febuary following; And that the ſaid William Courten being indebted to the ſayd Iacob Pergens for a great ſumm of Moneys he makes over the ſaid Obligation and debt of Sr. Iacob Catts unto the ſaid Pergens, who fraudulently recovered the ſame ſeven years after the death of William Courten and his lady, as hereafter is mentioned.

William Courten made another Letter of Atturney or Procuration unto the ſaid Iacob Pergens, on the 1645.
27. of October 1645. before Iohn Maurius publique Notary in London, reciting the Loſſes and Dammages ſuſtained in the two Ships Bona Eſperanza and Henry Bona Adventura, and therein gives a pretended power and Authority to the ſayd Pergens to recover and receive the Money and Dammages of the East-India Company of the Netherlands, or to compound with them for the ſame, ſuppoſing that neither Sr. Paul Pyndar, nor Sr. Edward Littleton would come to the knowledge thereof, being ſequeſtred and incumbred in other affairs and debts of the Crown. Unto this Procuration were witneſſes Maurice Thompſon, and Iohn Rushout (as appears by the Regiſter of the ſaid Notary) who procured letters from the late Long Parliament, to Mr. Strickland and Others in Holland in favour of Pergens.

William Courten having abſconded himſelf three years in the Armies of the King, and the Parliament, 1647.
reſolved to depart the Kings Dominions, and end his days in Italy; but before his voyage, he got ſome moneys for his ſupport of Mr. Daniel Harvey, Mr Thomas Coppin, and others, unto whom he had preingaged his Lands. And then he made another procuration, with an aſſignment, unto the ſaid Iacob Pergens (dated 10. of Decemb. 1647.) of all his right and intereſt in the ſaid Ships Bona Eſperanza and Henry Bona Adventura, reciting the particulars of all the Dammages amounting unto the ſumm of 85000. pounds Sterling or thereabouts; and that he was indebted unto the ſaid Pergens a great ſumm of money &c. The Witneſſes to that Procuration were Ieremy Whitaker and George Gawton, as by the Regiſter of Ioſua Maniett Notary in London appears.

Sr Paul Pyndar and William Toomes coming to the knowledge of theſe fraudulent practiſes, appear- 1647.
ed before the ſayd Ioſua Maniett on the 11. day of Febuary 1647. English ſtile, when Sr Paul Pyndar made a Procuration to Ionas Abeels Merchant of Amſterdam to recover and receive the ſaid moneys and Dammages of the ſaid East-India Company, belonging to him, concerning the ſaid Ships Bona Eſperanza and Henry Bona Adventura, and their Lading, as aforeſayd: whereunto were Witneſſes William Toomes and Richard Clay, as by the Regiſter of the ſaid Notary appears.

William Courten within few days after arrived at the Hague in Holland, and on the 27. of Febuary 1647.

old ſtile, he made another pretended Aſſignment, and Bill of Sale, to the ſaid Jacob Pergens before Solomon van der Heyden, publick Notary, declaring therein a voluntary confeſſion, that he had made over and tranſported unto the ſaid Jacob Pergens, all ſuch right and action as appertained unto him the ſaid William Courten, from the East-India Company of the Netherlands, concerning the ſaid Ships Bona Eſperanza and Henry Bona Adventura and their lading, unjuſtly ſeized and taken away with all the letters, Bills, Books and Writings from the Cape Merchant Maſters, and Mariners of the ſaid Ships in the Straights of Malacca, and neer the Iſland Mauritius, by the Ships and Officers of the Dutch East-India Company. Wherein was further mentioned a power, and Authority, from the ſaid Courten to Pergens to compound and agree with the ſaid East-India Company, as he ſhould think beſt, and moſt fitting, and to receive the proceed thereof, in payment of what was pretended to be owing, to the ſaid Pergens. *Provided* that the ſaid Pergens ſhould pay the ſurplus to whomſoever ſhould have the right thereunto, which act was underwritten by both parties, in the preſence of the ſaid Notary and two Witneſſes viz. Dominique Colien and David Goubard, as by the Regiſter of Van der Heyden the Notary appears.

1648. Jonas Abeels having received the ſaid Procuration and indenture of aſſignment from Sr. Edward Littleton and William Courten to Sr. Paul Pyndar, with inſtructions to proceed thereupon, he made ſeverall inſinuations of his quality, and Sr. Paul Pyndars intereſt, and likewiſe diverſe arreſts, in the Month of May 1648. with interdictions, and prohibitions, that the Directors of the ſaid Company ſhould not have any Communication or dealing with the ſaid Pergens, or pay him any money concerning the ſaid Ships and their lading, as by the ſeverall acts of the publick Notaries and Officers, made at the Chamber of the East-India Company in Amſterdam, and by the Directors own ſhewing more particularly hereafter mentioned.

1649. The Directors of the East-India Company, nevertheleſs being met in a Committee of ſeventeen, at their Chamber in Zealand, whereof the ſaid Peter Boudaen, brother in Law to the ſaid Pergens, being one, he procured this agreement following, to be made at Middleburgh on the 18. of Septemb. 1649.

A Copie of the Inſtrument of Agreement between the Directors *of the East-India Company of the* Netherlands *and* Jacob Pergens, *Translated out of the Low-dutch.*

WHereas there are differences ariſen between the honourable the *Directors* of the licenced East-India Company of the *Netherlands* of the one part, and *Jacob Pergens* and *David Goubard* as well for themſelvs, as alſo having procuration from the honourable *William Courten*, and Others intereſſed in the ſaid difference at *London* on the other ſide, concerning a certain Ship named the *Bona Eſperanza*, taken in the year 1643. neer the city of *Malacca* by the Officers and Miniſters of the ſaid Company (*for ſome reaſons moving thereunto*) with the ſaid goods laden therein: As alſo ſeverall goods out of the Ship *Henry Bona Adventura* happily driven upon the Island *Mauritius*, and from thence brought to *Batavia*: Now ſo it is, that the aforeſaid *Jacob Pergens* and *Goubard* at the generall *Aſſembly* of the Seventeen to make an end of the ſaid pretentions, eſteeming the ſaid pretences at 100000. gilders, and hearing the offers of the *Aſſembly*, to give 70000. gilders, they ſubmitted the other 30000. to the ſaid *Aſſembly*, ſo they adjudged by theſe preſents, to the ſaid *Pergens* and *Goubard* for all their ſaid pretentions, and dependencies thereof, nothing reſerved, the ſumm of 85000. gilders, under that condition that they muſt give good caution for all after Demands.

All which being heard by the ſaid *Pergens* and *Goubard*, they conſented & accepted thereof, (*bonâ fide*) without any diſſimulation, and hereof were made

made two ſeverall acts, which were ſigned by both parties at *Middleburgh* in *Zealand*, 18. of Septemb. 1649.

And was ſubſcribed with theſe ſeverall names

Jacob Pergens.
David Goubard.
J. C. Hayman. 1649.
Jacob Roch.
P. Boudaen Courten.
P. Carpentier.
Pieter van Santen.
Adrian Beſemen.
Jan Vaerickſz. Abbekerck.
Hercke Janſz. Noortlant.

Whereupon *Jacob Pergens* gave a receipt for the ſaid *Money* amounting unto 14166. l. 13. ſh. 2d. Flemiſh which was about 8000. pounds Sterling; and *Peter Boudaen Courten* gave an Obligation to ſave the Company indempnified from *Sr. Paul Pyndar*, & others.

Jonas Abeels then ſummoned the Directors of the Eaſt-India Company, before the Schepens or Judges of Amſterdam, and concluded in his Proceſs, that the ſaid Directors ſhould be condemned to pay him the ſaid 85000. gilders, in right of Sr. Paul Pyndar, relating onely to the 5500. pounds aforeſaid, aſſigned upon thoſe two Ships, Computing that with reaſonable intereſt, it might arife to the like ſumm of money, at that time. Then the Directors ſummoned the ſaid Jacob Pergens, and the ſaid Peter Boudaen, to indempnifie the Company from Pyndar. But in regard of the multitude of cauſes uſually depending in courſe upon the ordinary Roll in Amſterdam, no Strangers, after their firſt inſtance, can be heard in judgement for ſeverall years. In the mean time Sr. Paul Pyndar died, then Jonas Abeels died; afterwards, William Toomes, the Executor of Sr. Paul Pyndar, died: ſo the cauſe abating, the whole Dammages and Demands reſted in Abeyance, until the Kings moſt happy reſtauration. 1650.

Severall ſpeculations of the Creditors, with ſome animadverſions thereupon.

SOLOMON *ſaith that patience is a vertue. And oppreſſion makes the wiſe man mad: So that wisdom and patience, in ſome caſes are inconſiſtent and cannot be reconciled.*

Before the Law of Propertie there was no theft, all things were then in common. It was nevertheleſs naturall, when any man had the fruits of his Labour, taken out of his poſſeſſion by another Man, he would take as much again from the party, when he found opportunity to do it.

The Learned Writers of the Roman Laws affirm, that Juſtice delayed, is Juſtice denied, and that Strangers are to be relieved by ſummar ways of proceeding to avoyd loſs of time, after their firſt Dammages ſuffered.

Its decreed in the ſacred Written Law, that they which take away any thing wrongfully from another, ſhall reſtore fourfold, which implyeth the Dammages ſuſtained, for want of that which was taken away, and the coſts in ſeeking after it. And there can be no abſolution, or peace, but upon reſtitution, (where the Perſons are able) and ſatisfaction given to the partys injured.

Oppreſſion and unrighteouſneſs, hath made the Land Mourn; Amboyna *was lately ſhaken with Earthquakes, and* Barbados *viſited with* Hurricanes: *And* Batavia *anciently called* Jaccatra (*when the English poſſeſſed it, and had a third part of the ſpice-trade by covenant*) *will, in due time, ſink under the burthen, and ſpoyls of other Nations; The iniquities of one Age will certainly fall upon the ſucceeding generations. Foundations laid in bloud cannot long continue.*

Moneys & ſtaple Goods drawn out of a Kingdom, *into another Land without account, turns to a double prejudice in leſſning the power & ſtrength of one countrey, by magnifying another, in parting with weapons out of their own hands,* (Moneys being the nervs & ſinews of peace & warr.)

The Hollanders *hold it for a Maxime, that all the world is a cheat, & therefore they will have a hand in it.*

The Jews, & other Renegado's, being a third part of Amſterdam, *ſay, they muſt live by their Wits, their Land being taken from them & laid waſt & deſolate, for the wickedneſs & abominations of their Forefathers. They hold it no ſin to cheat Chriſtians; And will uſually pick their pockets of their watches & money in the Synagogue, even at the ſame time when their Rabbi's are reading of the Law.*

IT is generally obſerved, in all Forraign parts of the world, that *Engliſhmen*, who are moſt tender of their own Laws, liberties, & properties at home, are as careleſs of their Rights, Intereſts, and Priviledges abroad: ſome ſad Examples whereof are briefly demonſtrated hereafter in this following Narrative.

James Boevé an Engliſhman, having married with Suſanna de Wyer aforeſaid, one of the Nieces and Heirs of John Moncy, finding no poſſibility of getting her Eſtate, in England, removed from thence to ſettle himſelf in Middleburgh, where he built a houſe, and Inhabited there in the ſaid City, preſuming to get expedition of Juſtice ſooner there, againſt Peter Boudaen, the ſurviving Executor of John Moncy, then he ſhould do, if he continued a Stranger: wherein he was much miſtaken, as it fell out in the proſecution of his Demands.

Sr. William Courten being dead, and Margaret the Widow of John Moncy alſo deceaſed, William Courten the ſole Executor of Sr. William inſolvent and fugitive; The ſaid Boevé left without any other remedy, complained againſt the ſaid Peter Boudaen in the Prerogative-Court, where he obtained ſeverall Citations, Mandates and Letters requiſatory, directed to the ſaid Boudaen & the Magiſtrates of Middleburgh in order to procure an appearance from the ſaid Boudaen to take upon him the further Execution of Moncys will, or ſhew cauſe why Adminiſtration ſhould not be granted (with the Will annexed) to the ſaid Boevé in right of his wife & her onely Daughter: which was rejected by the Magiſtrates of Middleburgh, who inſiſted upon the Cuſtome of the City, that no Burger ſhould ſue his fellow-Citizen before any forraign Judicature: but for what Boevé had to ſay againſt Boudaen, they ordered him to bring his action before them, as his competent judges; which he did accordingly; where Boudaen was admitted to ſtand fencing upon his guard & ſhifts for ſeven years together, pretending he was no Executor to Moncy, that he had alſo abandoned his Mothers Eſtate, & ſo not any ways lyable to the Legacy by the Laws of England, where the Will was Exhibited, & Moncys Eſtate adminiſtred: and that he the ſaid Boudaen had not intermedled therein as aforeſaid.

1651. John White & Heſter his Wife, being informed what evaſions the ſaid Boudaen had made, concerning Mr. Moncys Will, his Eſtate, as alſo his debts & Legacies; And having ſufficient grounds and reaſons to ſuſpect that Mr. John Moncys Will was forged and invalid; They entred the liſt, and took up the quarrel (de novo) whereupon they procured likewiſe ſeverall Citations, Mandements, & Letters requiſatory, as Inhabitants in England, out of the Prerogative-Court, which were all executed in due form and manner for ſummoning the ſaid Peter Boudaen as the ſurviving Executor of Moncys Will, Exhibited in the Prerogative-Court as aforeſaid, to prove the ſame by Witneſſes, and to bring in an Inventory of the Eſtate; all which acts & proceedings thereupon, are here omitted, in regard they are briefly mentioned in the Magiſtrates Letter of Middleburgh to Sr. Nathanael Brent, and the laſt decretall order of the Prerogative-Court hereafter following.

Then *Mr. James Boevé* ſuſpended all further proſecution upon his action and demand, untill he ſaw the Event of *Mrs. Whites* proceedings at Law, which continued ſeven years at *Middleburgh* and the *Hague*.

The

The Contents of a Letter from the Burgermaſters & Schepens of *Middleburgh* in *Zealand*, to *Sr. Nathanael Brent*, Judge of the Prerogative-Court of *England*, January the 12. 1651. tranſlated out of the Low-dutch.

WE *the Burgermaſters & Schepens of* Middleburgh *in* Zealand: *To* the right Honble Judge *of* the Prerogative-Court in England Greeting. Whereas *there was lately delivered into our hands by* Mr. Michelfelt *A publick Notary of this City certain Letters requiſatory obtained from your Honour by* Heſter White *otherwiſe* de Wyer, *niece of* John Moncy *deceaſed, late of the* Parish *of* Sr. Maryhill *of* London *Merchant; by which Letter it appears, that the ſaid* Heſter, *by her petition to your Honour, ſets forth that* Peter Boudaen *Merchant & Inhabitant of this City, acknowledgeth that the ſaid* Moncy *in his life time made his laſt Will, and Teſtament, and therein nominated the ſaid* Peter Boudaen *Executor for the purpoſes mentioned at large, in the ſaid Letter; And that your Honour deſired us to authorize, and appoint ſome learned Perſons, to appear for the ſaid* Boudaen *before your Honour in* London, *or that we would cauſe him perſonally to appear himſelf before your Honour, on the* 30. *day after the ſaid Citation, and inſinuation made known unto the ſaid* Boudaen. And Whereas *we are willing to comply with your Honours deſire, ſo farr as from good Magiſtrates and Officers may be required: We accordingly firſt ſent for the ſaid* Peter Boudaen, *who appeared before us, and we underſtood from him, in brief, that the ſaid* Moncy *made his laſt Will & Teſtament according to the cuſtome of theſe Countreys, which was confirmed by his death. And that he had nominated & appointed in the ſaid Teſtament* Sr. William Courten *& the ſaid* Peter Boudaen *to be his Executors; and that afterwards on the 26. of July* 1632. Sr. William Courten *made probate of the ſaid Will, in the Prerogative-Court, as Executor, and had an Act of Court to adminiſter the Eſtate of the ſaid* John Moncy *accordingly: And the ſaid* Boudaen *further declaring that he never adminiſtred, in any manner, the Eſtate of* John Moncy *in* London. *And for as much as we do find that this true information given to us doth much impeach the proceedings, whereupon your Honours Citation & Letters Requiſatory, are grounded:* And conſidering *that Reaſon and the Law of Nations expreſly dictates, that no Perſon may or ought to be impleaded, but before the Juſtice to whom he belongs, and under whoſe juriſdiction he remains; And to prevent further Inconveniences that might ariſe, to the diſreputation, or prejudice, of either Courts of Juſtice, becauſe* James Boevé *hath a Proceſs before us to the ſame effect; And to ſhew that we eſteem nothing better, then to avoid all kind of unlawfulneſs;* Therefore *we thought fit to give your Honour notice of our conſiderations; To the end your Honour might be pleaſed, to call back your Letters Requiſatory, or to conſider the ſame as void, and to order the ſaid* Heſter *to bring her Action before us, where ſhe ought to do. And we do promiſe to return the ſame Equity to your Honour upon any ſuch or other reaſonable demand, as good Friends & Courts of Judicature ſo qualified, ought to do. Given in the Court of Juſtice at* Middleburgh. January 12. 1651.

The Burgermaſters & Schepens of *Middelburgh* in *Zealand.*

And was ſubſcribed,

SYMON VAN BEAUMONT.

This Letter gabe no ſatisfaction to the Judge, who did neber meet with the like contempt and delays: ſo the Court proceeded to a Decree upon the defaults: as by the Regiſter appears.

An

An Abſtract of the decretall Order of the Prerogative-Court the 9. of March 1651. before Sr. Nathanael Brent, *in the preſence of* Alexander Southwood *Notary Publicque Actuarius &c.*

Heſter White, *alias* De Wyer
contra
Peter Boudaen Courten.

MR. *Allen*, *Proctor* for the ſaid *Heſter* alledgeth that *John de Moncy*, whoſe pretended Will & Adminiſtration of his perſonal Eſtate, was by Proceſs inſtituted originally in this Court, he being an Inhabitant, an *Engliſh-man*, and having his dwelling houſe in the *Parish* of *St. Mary-hill* in *London*, at the time of his death, who hapned to die beyond the Sea.

That the ſaid *Heſter* is lawfull Daughter of the onely and lawfull Siſter of the ſaid *John Moncy*.

That Soon after the ſaid *Moncys* death, *Sr. William Courten*, pretending that the deceaſed made his laſt Will & Teſtament, & therein nominated the ſaid *Sr. William Courten*, & *Peter Boudaen*, his Executors. The ſaid *Sr. William Courten*, willingly acknowledged & ſubmitted himſelf to the judicature of the *Prerogative-Court* in *England*, then named the *Prerogative-Court* of *Canterbury*.

That *John Moncy*, had, at the time of his death, ſufficient goods & perſonall Eſtate, within the jurisdiction of the ſaid Court, wherein *Sr. William Courten* took upon him the *Execution* of the ſaid pretended Will, as one of the Executors, and obtained Commiſſion to adminiſter the ſaid perſonall Eſtate, as appears by an Act of Court of the 26. of July 1632. reſerving power for him the ſaid *Peter Boudaen* to do the like, when he ſhould require the ſame, or be called thereunto, he living out of the jurisdiction of this Republique.

That *Sr. William Courten*, died ſome years after he had exhibited the Will in common form. And that the ſaid *Heſter*, as next Heir to the ſaid *John Moncy*, had obtained a Mandement and Citatory decree, on the 14. of *October* laſt, and cauſed the ſame to be affixed in due form upon the Royall Exchange. That the ſaid *Peter Boudaen*, was alſo perſonally cited to appear in this cauſe, on the 20. day after the ſaid Citation, to bring in the ſaid Will, and to make probate thereof according to Law, or elſe to ſhew cauſe why Adminiſtration of the goods & perſonall Eſtate of *John Moncy* ſhould not be granted unto the ſaid *Heſter White*, alias *De Wyer*, (*John Moncy* dying inteſtate.)

Mr. Allen further alledging, that the ſaid *Heſter White*, having obtained Letters requiſatory from this Court to the Honourable & reverend *Magiſtrates* of the City of *Middleburgh* in *Zealand*, (where the ſaid *Boudaen* reſides) Requeſting *ſub Mutuo viciſſitudinis obtentu*, that they would be pleaſed to cauſe the ſaid *Boudaen* to be cited to appear in *London*, in this Court, on the 30. day after that ſaid ſummons.

And that this Mandament upon the 12. of January laſt, came to the hands of the ſaid *Burgermaſters* & *Schepens*, who ſent for the ſaid *Peter Boudaen*, and gave him knowledge thereof, and that no appearance is made in this Court, but wholly neglected, refuſed, & denied: *Wherefore* the ſaid *Heſter* ſtill preſſing on, for his appearance to juſtifie the ſaid Will &c. and no appearance being made, the Judge at the Requiſition of the ſaid *Allen*, decreed and pronounced, that Letters of Adminiſtration of the goods, Chattells, Rights, Debts, & Credits of *John de Moncy* (as being dead inteſtate) ſhould be granted to the ſaid *Heſter White*, which was done accordingly.

Concordat in ſubſtantia cum Regiſtro

Exam: per THO: HINSON.

Memo-

MEMORANDUM.

THat in the *Iſland of* Walcheren, *there are three of the States of* Zealand. *Viz.* Middleburgh. Flushing & Ter-Veere, *all much addicted to Controverſies & Caping*, Middleburgh *the cheifeſt, was much Inhabited by Strangers; who formerly complained to the* Emperour Charles *the* Fifth, *that Juſtice was not Adminiſtred to them impartially in that City: whereupon the* Emperour *made an Edict (which is obſerved to this day) that there ſhould be* 12. Kies-heers, *elected by the Burgers out of the moſt able Merchants Strangers, & other Inhabitants of that City not born in* Zealand, *who were to make choyce of the Magiſtrates & Schepens: And that there ſhould be an Extraordinary Roll, or Out-Land-Vierſchare for Strangers onely; Where they might exhibite their Proceſs, & be heard two days in a week, upon paying double fees, & be diſpatcht in their affairs before Sworn Burgers themſelvs, upon the ordinary Roll.*

This inſtitution at firſt, was very good, but ſince corrupted.

Peter Boudaen *was a Free Denizon of* England, *bred up in* Mr. Moncys *houſe, afterwards he dwelt with* Sr. Peter Courten, *then after his death he became a* Kies-heer, *an* Elder *of the* English Church, *and a* Director *of the* Eaſt-India *Company at their Chamber in* Middleburgh, *and ſo had ſuch an influence upon the Magiſtrates and Burgers, that no Execution of Juſtice could be done againſt him, as by ſeverall preſidents hereafter appears.*

The advantages of Burgers *are; that they canot be arreſted at the firſt inſtance; nor ſued in any other Citie of the United Provinces, but before their owne competent Judges at home; Yet Strangers loſe the Priviledge of* Englishmen *when they become Subjects to another* State; *They put themſelvs out of the protection of their own* Prince *immediately when they ſwear Allegiance to another* Prince *or* State. *The* Scripture *ſaith, no man can ſerve two Maſters. And the Crown of* England *never had worſe Enemies, then Some of thoſe that left the* Kingdom, *to be Burgers in a popular State, & Contracted Aliances by Mariages into dutch Families, &c.*

As Juſtice is the Life of the Law, ſo Expedition is the Life of Juſtice, and where there are Obſtructions in the Currant of Either, the Body Politique will fall into a Conſumption, as *Middleburgh* hath done.

Truth and Juſtice ought to be proſecuted to the end, in all cauſes, where any men have Law & reaſon on their ſides, otherwiſe they Will betray their owne Countreymen to the like prejudice of ſuffering wrong when they live under a Prince that is able to do them Right.

Heſter White, having gotten the Letters of Adminiſtration of the Goods, Chatells, Rights, Debts, & Credits of John Moncy, under the Seal of the Prerogative-Court of England; She went to Middleburgh and exhibited her Proceſs, before the Burgermaſters and Schepens upon the Strangers Roll; as follows: 1652.

A Copie of the Declaration, Tranſlated out of Low-dutch.

Heſter White, *alias* De Wyer,
Contra
Peter Boudaen.

HEſter VVhite, alias *De VVyer*, appointed by the Keepers of the Liberties of *England* by authority of Parliament &c. Adminiſtratrix of the goods & Chatells of *John Moncy* Late of *London*, Merchant, Complains againſt *Peter Boudaen*, Heir and Executor of *Sr. Peter Courten*, for as much as the aforeſaid *John Moncy* was in Company with the ſaid *Sr. Peter Courten*, & *Sr. William Courten* his Brothers in Law; and ſeeing the accounts of the trade are ſtanding open, requires that the books, papers & writings reſting in the hands and Cuſtody of the ſaid *Boudaen*, concerning the ſaid Company, may be conſigned into the Secretary-Office, there to be inſpected by both parties to form an account thereout at a joynt charge; and in caſe of debate, proteſts for Coſts of the Proceſs, and all other Coſts, & Dammages already ſuffered, and to ſuffer. 1652.

Upon this demand, were all manner of delays, & Evaſions uſed before Boudaen would give, any anſwere, or make any exception in pleading, then at laſt he diſputed againſt her quality as Adminiſtratrix, and that ſhe had no right to demand any ſuch account: whereupon this Sentence followed.

The Sentence of the Burgermaſters and Schepens in the Cauſe of Heſter White.

THe *Burgermaſters* & *Schepens* of the Citie of *Middleburgh*, do declare, that the plantiff in her quality, as she calls herſelf, Adminiſtratrix, is not receive able as yet in her demand or concluſion, and do compenſate the Coſts on both ſydes.

From which Sentence Mrs. White *appealed to the ſupream Court of Judicature at the* Hague.

Where ſhe continued Five years ſoliciting the ſaid cauſe at her great Expences & Coſts after ſeverall Letters of recomendation from Olver Cromwell, to the States Generall. Before any Sentence was given; and this at laſt was obtained as follows.

A true Copy of the Sentence, pronounced by the high Court, of Judicature at the Hague, *An°.* 1657. *tranſlated out of Low-dutch.*

Heſter White
Contra
Peter Boudaen.

ON the difference arriſen before the ſupream Councell in *Holland*, between *Heſter White* alias *De Wyer* who is by the Keepers of the Liberties of *England* by authority of Parliament appointed Adminiſtratrix of all and ſingular the goods and Chatells, Actions & Credits of *John Moncy* late of the *Parish* of *St. Mary-hill*, *London*, Merchant, in which quality, and for ſo much as is needfull empowred by *John White*, Complainant by writt of Appeale, and alſo Defendant, on the one part. And *Peter Boudaen Courten* of *Middleburgh* in *Zealand*, cited in the caſe aforeſaid, & being Demandant in two Requeſts Civill, allowed by fore going orders of Court, on the other part. *The Court* having heard the report of Commiſſioners before whom both parties have appeared, and Seen a deduction of the pleadings, & duly conſidered all the writings unto them exhibited: Giving judgement in the name and behalf of the ſupream Authority of the Earldoms of *Holland*, *Zealand*, and *Freesland*, Provided, the above-cited doth within the ſpace of ſix weeks, before a Commiſſioner of this Court, Categorically declare, that he is ready, in quality, and relation to his Mother, Heir to *John Moncy* his Step-father, to anſwer in judgement, all ſuch Perſons that, have any thing to ask or pretend againſt the Eſtate of the ſaid *John Moncy*, whether Creditors, Legatees, or others, reſerving unto him the above-cited ſuch Exceptions & Defences as unto him ſhall appertaine, yet ſo, as he may not aſſigne ſuch Demanders or Pretenders, under pretext of the Laws and Cuſtoms of *England*, or otherwiſe, upon any Executors, or Adminiſtrators which have been appointed, to the Eſtate of *John Moncy* or their Heirs. And that he is alſo ready to ſatisfie unto them the ſaid Pretenders,

tenders, & Demanders, whatſoever ſhall be adjudged unto them, Declareth, in ſuch caſe; that the Complainant is not grieved by the Sentence in diſpute. But in caſe the above-cited ſhall omit, or refuſe, ſo to declare, & perform, as aforeſaid, the Sentence in diſpute is anulled; And giving judgement in ſuch caſe, condemneth the above-cited to depoſite, the Books, Accompts, & Writings, in his poſſeſſion, into the Secretarie-Office of the City of *Middleburgh*, which concerne the Partner-Ship, that hath bin between the aforeſaid *John Moncy*, *Sr. Peter Courten*, & *Sr. William Courten*, to be there by her the Complainant and thoſe of her Councell viewed, and an Account ſtated thereout, in ſuch caſe, reſerving ſuch right undiminished & unprejudiced, as the afore-cited or any other, may have by vertue of ſuch Will and Teſtament as the ſaid *John Moncy* hath lawfully made, as alſo the right of thoſe, that ſhall ſuſtein the contrary, *viz:* that the ſaid *John Moncy* died inteſtate, without making a Will lawfully. With Compenſation of Coſts in this ſuit, (for Reaſons.) Pronounced the nyneteenth of *May* one thouſand ſix hundred fifty and ſeven.

In knowledge of me,
Signed
J. COENEN.

It is very obſervable that this Sentence is Nihil ad Rem, and very impertinent to the Matter in iſſue. Notwithſtending Olver Cromwell had written two ſeverall Letters, to the States Generall, the contents whereof being likewiſe communicated to the States of Holland and Zealand, as alſo to the ſupreame Court of Juſtice, where the cauſe had depended five years at the great Expenſes & Coſts of Mrs. White.

One ſpeciall clauſe contained in *Cromwells* firſt Letter is as follows.

WE are informed alſo by our Councell Learned in the Laws of England, *and the Laws of* Nations, *that your Magiſtrates & Miniſters of* Juſtice *in* Middleburgh, *have dared to be ſo, bold to controvert the Judiciall Acts of our* Prerogative-Court, *and have wronged the Judicature of* England *by their unadviſed and unrighteous Sentence againſt* Mrs. Heſter White *the Complainant, whoſe quality they have denied, wherefore we deſire that you Will forthwith cauſe the ſame to be reformed, by thoſe Judges Delegates, where the appeal hath ſo longe endured, that we may have no further grounds to give her remedy by other Means. &c.*

Peter Boudaen having ſent the pretended Will into England, to be duely regiſtred, he concluded himſelf, and there was afterwards no other Competent Judge in the world, to determine the validity of that Will and Teſtament of John Moncy, then the judge of the Prerogative-Court, for the time being. The Supreame Court of Judicature at the Hague intermedled with that, which was Coram non judice. Nota.

The iſſue was whether Heſter White, was lawfull Adminiſtratrix or not, Boudaen was Legally cited, and after ſuch contempts againſt a Judicature in England, where he had ſo long Lived as a Free Denizon, and afterwards during his trade to England, injoyed the benefit thereof at the Cuſtom houſe and other places, aggravates the offence beyond Meaſure. And ſuch a preſident as this is an Earneſt of all Englishmens fortunes and Eſtates, that fall into the hands of the Inhabitants or Burgers of Middleburgh & Amſterdam, or any other Cities in Holland & Zealand.

The Proceſs of Heſter White, was to have an account of the Company ſtated in the firſt place, which ought to have been done for ſatisfaction of all Perſons concerned, (Engliſhmen Eſpecially) many Creditors of Sr. William Courten and his ſon cannot find their proper remedy before the accounts of the Company ſhall be ſtated, and for want of that, they are without Relief to this day.

Here

Here Peter Boudaen is made an Heir to John Moncy, which is repugnant to the Law of nature; and then decreed, that out of the Capitall of his Mother, as her Heir he ſhall ſatisfie all Pretenders againſt the Eſtate of John Moncy; which is very irrationall: For it is notoriouſly known, that Mrs. Moncy: was a Woman of very ſmall Meanes, her Former Husband, Matthias Boudaen dying inſolvent at Rotterdam. And Peter Boudaen had always abandoned his Mothers Eſtate, untill the Wolf was hunted ſo cloſe that he could not make any further Eſcape. Yet rather then he would prove the Will by Witneſſes, and account or adjuſt the books of the Company, he procured this impertinent Sentence from the High Court of Judicature at the Hague, and ſo would keep the whole Stock of the Company, and other mens Goods & Moneys in his hands, and let the accounts of the Company ſtand open, and the debts remain for ever unſatisfied.

It is moſt lamentable, to conſider the miſerable Conditions, of many Men Women and Children, that Peter Boudaen hath occaſioned, by his wicked practiſes. Sr. Peter Courtens laſt Will and Teſtament was made at Middleburgh on the 8. of January 1630. who died the next day following, leaving Peter Boudaen his ſole Executor: John Moncys laſt Will & Teſtament was made on the 16. of October 1631. who died the next day after, and was Buried in the Choor-church at Middleburgh, in the vault with Sr. Peter Courten.

There is a Law & Cuſtom in Flanders and Brabant, grounded upon good reaſon and foreſight, that the laſt Will and Teſtament of any perſon, that is not made twenty dayes before their death, ſhall be held null and voyd, which prevents the deſigns of preiſts, Fryers & others from great Legacies and donations.

In Scotland no Will or Teſtament is held good, when the party that makes it, hath not ſtrength and ſences to go to church, the market and the mill, that he may ſerve God as well as himſelf and his freinds.

WHat ſtrength or ſences *Sr. Peter Courten* and *John Moncy* had that died of *Zealand*-agues, and ſleepy diſeaſes, the day after their laſt Wills, in a Muddy Air, any intelligible man may conjecture, Eſpecially ſince *Peter Boudaen* would not prove *Moncys* Will by Witneſſes, there being onely a mark ſet in ſtead of his name to it, who did in his perfect health and ſences write as good and Legible a hand as any man in Europe. But it was his fate to die of a Lethargie in *Middleburgh*, who was a very active and healthy man in *England*, *Neſcio mens Hominum fati ſortiſque.*

It is convenient to ſhew the Ballance of the Companies books kept in England, for the trade in Company drawing to a Period in the year 1632. There being no more goods after that time ſent upon the Companies account into England. The goods formerly ſent were not all ſold, nor Moneys received for them untill the year 1637. When the Ballance of profit and loſs was alſo ſent to Peter Boudaen, who would not be brought unto any account, (for moving reaſons.) Wherefore in the next following leaf *Mr. Peter Boudaens* Letter to his Mother Aprill 27th. 1637. concerning the accounts is printed, and the Ballance of the books kept in England alſo declared, with the Ballance of *Mr. Boudaens* perticular trade.

SR. William Courten, *after the death of his partners, was unwilling to commence any ſuits at Law againſt* Peter Boudaen *concerning the accounts, and Stock gotten into his hands.* Firſt, *in regard he would not impeach the credit of the Company, which traded upon other mens Capitalls.* Secondly, *for that he was incumbred at Court, and in his new Undertakings to the Eaſt-Indies.* Thirdly *and laſtly, for that* Peter Boudaen *and* Mrs. Moncy *his Mother had always made fair promiſes that the books in* Zealand *ſhould be liquidated, and repartitions made of the Stock when the Companies debts ſhould be paid, which are not yet done: But left to the* Six *Sons and Daughters of* Peter Boudaen *unto whom the Land-Pyrate, at his death, left an Eſtate in Moneys, Goods, and Lands, to the value of* 90000. *pounds Sterling* viz. *unto* Peter Boudaen, John, Walter, *&* Henry, Conſtantia, *&* Katharine Boudaen *proportionably unto Each* 15000. *pounds, before the accounts of the ſaid Company were ſtated. Notwithſtanding old* Boudaen, *knew that all the viſible Eſtate both Reall and Perſonall of* Sr. William Courten, *and his Son in* England, *was transferred and ſold away towards payment of their own and the Companies debts.* Nevertheleſs the remainder of both (amounting to the ſumm of 146000. pounds Sterling, principall Money) continues yet unſatisfied, to the great ſhame & ſcandall of the Familiesof *Courtens* & *Boudaens*, and dishonour to the *Kingdom* of *England* in ſuffering it, while ſo many people in his Majeſties Dominions are undone for want of their Moneys.

The

A Brief Account of Mr. *Peter Boudaens* Particular trade in Linen cloath ſent into *England* to his Mother after Mr. *John Moncys* Death, during the Space of 4 Years, viz. in the years 1633, 1634, 1635 and 1636. until the death of Sr. *William Courten*, for which the moneys were remitted yearly to *Middleburgh*, and paid to the ſayd *Boudaens* order from time to time: as by the Books of accounts appears.

For divers Packs and cheſts of *Hollands*, Flemiſh linen, Cambricks, Lawns, Diapers and Damasks according to the ſeverall Factories as they coſt in Flemiſh money 21052: 6: 6. and in Sterling money.	Sterling 11483: 1: 6
The ſaid goods ſold unto ſeverall Linen-drapers and others in *London* in parcells amounting in all to 28417: 4: 2. Flemmiſh, which is the full and juſt ſumm of ſterling money	15500: 5: 11
In debts ſtanding out upon Banckrupts and others upon deſperate accounts amounting unto 1883-15-6 ſterling money,	
The deductions for Proviſion at 1. per Cent for ſale of the goods, and all other incident charges, defalked out of the ſaid 15500-5-11 ſterling, beſides the debts ſtanding out upon Banckrupts and others, *Peter Boudaen* was gainer in Flemiſh money the ſum of 4202-17-3. Which in Sterling money is the ſum. of	2292: 6: 4:

Which was made good to him upon the Ballance of the accounts with *Iames Beeve* concerning that particular trade in the year 1639, who was ſervant to the ſaid *Mrs. Moncy*, and ſold the ſaid goods by her order for the proper account of the ſaid *Peter Boudaen*, notwithſtanding it was *Bona-fide* the proceed of the Companies Effects gotten into *Boudaens* hands.

The Copie of a Letter ſent from Mr. *P. Boudaen* to his Mother Mrs. *Margaret Moncy* in the year 1637. tranſlated out of Low-Dutch into English.

Captain Tieſſen, *I ſee, hath his Anſwer from* Suſan: *touching* John White, *Honoured Mother, is there no means to diſſwade* Heſter? *in truth that manner of proceeding doth not pleaſe me.*

I fear that loſs and ſhame will enſue, & my Father *Moncys* Eſtate will not be found as is thought. *The bad Debts and loſſes have not been writ off theſe many Years; ſo that my heart aketh to think, that they, whoſe Father hath cauſed ſo great a loſs to the Company, and for whom you have done as much as for your own in their Education, ſhould be ſo ungratefull to vex you in your old age. Could* Heſter *not be diſſwaded by ſome Miniſter or other, or by Couſin* Beck? *for (ſetting aſide what is aforeſaid) I underſtand it's a mean Match, he having little or nothing, and ſettled in no calling, how can ſhe do worſe?* and principally I am ſenſible of the manner of proceeding, it being to queſtion the Will: wherefore I could have wiſhed ſhe were come hither with you; this alſo, Mother, by way of diſcourſe, in confidence that you will not report it to any.

If it be ſo (the triall of perſwaſion being made) that it cannot be hindred, I pray that it may be deferred untill my Brother Pergens *and I come over: I think we may find ſome way which may give quiet contentment. My Wifes condition, the vexation with my Brother* Fourmenois, *and the Reſolution of* Examining the Books as well my particular as touching the Company, and to bring them to a head, *hindreth me that I cannot come: but I hope my Brother* Pergens *will not ſtay long: God grant a good iſſue.*

That matter admitting no delay, I hope Couſin Courten *will aſſiſt and give you the beſt councell, even as I deſired him the fourth preſent, as alſo* Mr. Ruthout, & Mr. Godſchalck *will aſſiſt you: touching the Intereſt I think you are not obliged, and it may remain compenſated againſt the charges of Maintenance by you, &c. Lowerſtood, your obedient Son, and was ſigned,* Peter Boudaen Courten. *The Superſcription was, to the Honoured and diſcreet* Mrs. Margaret Courten, *Widow of* Mr. Iohn Moncy, *in her own hands in* London.

This Tranſlation, upon Collation made, is found to agree with the Original Letter: Which I Atteſt, *Middleburgh* the 25th. of April 1650.
was ſigned L. Doutrelau. *Not. Publ.*

YEt, notwithſtanding this Letter, Mr. Peter Boudaen, nor his Heirs could never be brought to ſettle the accounts of the Company, who kept and ſtill keep all the Engliſh effects gotten into their hands and have uſed all manner of Miniſter Practiſes, and Evaſions from time to time, to avoyd rendring any account for the ſame, in contempt and reproach of the Judicature of England and the Soveraignty of the Crown. Old Boudaen was much concerned that John White ſhould offer to queſtion Mr. John Moncys will, who died ſuddainly at Boudaens houſe. Yett Boudaen would never make probate of the ſayd will; Neither would the Magiſtrates of Zealand ever admit of any Citations out of the Prerogative Court of England to that purpoſe, although the will was Exhibited there in Common form. And when adminiſtration of Mr. John Moncys eſtate was many years afterwards decreed by Sr. Nathanael Brent to Heſter White the next of kindred, upon the ſaid Boudaens contumacy who was nominated Executor in Moncys pretended will and teſtament. The Ordinary Court of Juſtice in Middleburgh would not allow her quality as Adminiſtratrix upon her demand of an account of Moncys goods; Neither upon her appeal to the Supream Court of Judicature at the Hague from the Sentence againſt her at Middleburgh, would thoſe Lords do her any right or Equity in the Caſe of her adminiſtration. Such Judiciall acts of the Prerogative Court were never refuſed admittance in any other Courts of Judicature in the world: and if this be permitted, no Engliſhman can be ſafe or ſecure in his eſtate, that falls into the hands of Hollanders or Zealanders.

The generall Account, drawn out of the Companies Books kept in *London*, containing the Moneys and goods sent and remitted out of *England* by *Sr. William Courten* and *John Moncy*, unto *Sr. Peter Courten*, and *Peter Boudaen* of *Middleburgh*. translated out of low Dutch into English.

Sr. Peter Courten is Debitor.

			℔ Sterl.	
1631.	21	March by reſt of the beforegoing leafe brought hither	123028	19
		ditto paid Adrian Hendricx for his bill at double uſance a 35 ℔ 6 ß on Dom: & Charles van Acker	92	16
		ditto paid ditto Hendricx for his bill at double uſance at 35 ℔ 6 ß on Iaques Budier payable to Calberner	60	
		ditto paid ditto Hendricx for his bill at double uſance a 35 ℔ 6 ß on Jaques Rob. and Nichol. Iac. in Liſle	50	
	23	ditto paid Arnold Braems for his bill at uſance a 35 ℔ 2 ß on Nicholas Laouſt payable to Calberner	120	
32.	4	Aprill paid Markus Hooren per bill on Cornelis & Iochem Peters payable to Iacob Pergens	30	
	14	ditto paid Samuel Bonnell per bill at 2½ uſance a 37 ℔ 4 ß on Hendrick Gerrards payable to de Baets	300	
	23	ditto paid Iohn Bave for Iacob Pergens his bill drawn at Franckfort the firſt of April at 2 days ſight	30	
	26	ditto paid Iaques Legatine per bill at uſance for 400 V. a 60 ß on René du Vernet payable to Hen: Oliviers	100	
	28	ditto paid Adrian Hendricx per bill at double uſance a 35 ℔ 8 ß on Dom. & Charles van Acker	150	
	2	May paid Iaques Legatine per bill at uſance for 400 V. a 60 ß on Rene du Vernet payable to Oliviers	100	
	11	ditto paid Robbert Wattier per bill at uſance a 35 ℔ 6 on himſelf payable to Iaques Wattier	140	
	16	ditto paid Philip Burlamachy per bill at 3 uſance for 4000 V. a 60 ß on Laurenzo van Nelly payab. to Oliv.	1000	
	19	ditto paid Adrian Adriaenſen for 4 barrells of Gum delivered to Iaques de la Ronde	36	7
	23	ditto paid Iohn Spick per bill Robert Wattier a 35 ℔ 4 ß on Iaques Wattier	29	12
	30	ditto paid Philibert Vernat per bill at 36 ℔ 2 ß on Peter van Heck in Antwerp payable to van Daele	500	
	31	ditto paid Adrian Hendricx per bill at double uſance a 35 ℔ 6 ß on the Wid. Calberner payable to van Daele	150	
		ditto paid Adrian Hendricx per bill at 3 uſance a 35 ℔ 10 ß on Dom. & Charles van Ackeren	488	
		ditto paid Anthony Cabiron for Proviſion of 1200 ☌ negotiated for Peter Stoffels	5	8
	4	Iune paid Iaques Boeve per bill at uſance a 35 ℔ 4 on Robert Wattier payable to Iaques Wattier	78	7
	7	ditto paid Philip Burlamachy per bill at 3½ uſance for 2000 V. a 60 ß on Laur. van Nelly payab. to Oliviers	500	
	9	ditto paid Samuel Bonnel per bill at 3 uſance a 37 ℔ 3 ß on Iohn Eliſon payable to Iohn van Daele	200	
	13	ditto paid Iaques Boeve per bill at double uſance a 35 ℔ 4 ß on Robert Wattier payable to Iaques Wattier	258	18
	19	ditto paid to Iames Daniels by the order of Abraham vander Voort	1	
		ditto paid Iohn de Ionge per bill on Iohn Rutte payable at 8 days ſight unto Peter Boudaen	10	
	25	ditto paid Giles van Brugh per bill Abraham vander Voort dated the 16 of May	10	
		ditto paid Robert Newland per bill Peter Boudaen dated the 17 preſent at uſance	110	16
	27	ditto paid Leonard Houtman per bill at uſance a 36 ℔ 8 ß on Dierick vander Perre payable to de Baets	250	
	5	Iuly paid Peter van Thuyl per bill at uſance a 37 ℔ - on the Heer van Thienhoven payable to Boudaen	20	
	13	ditto paid Iohn Stephens per bill de Baets dated 19 May for the vallue of Ionas Abeels	200	
	15	ditto paid Iohn Stephens per bill de Baets dated 24 May for the vallue of Ionas Abeels	100	
	16	ditto paid Laurence Halſtad per bill Peter Boudaen dated 24 Iune for the vallue of Lucas Schorer	150	
	25	ditto paid Stephen Fitz per bill Peter Boudaen for the vallue of ditto Fitz	30	
	3	Aug. paid Iohn de Ionge per bill on Iohn Rutte payable at uſance a 37 ℔ 9 ß unto Peter Boudaen	10	
	4	ditto paid Samuel Bonnel per bill at double uſance a 37 ℔ 1 ß on Iohn Elliſon payable to de Baets	200	
		ditto paid Samuel Bonnel per bill at ½ uſance a 36 ℔ 8 ß on Iohn Deloo payable to de Baets	100	
	6	ditto paid Thomas Warthrop per bill at uſance a 36 ℔ 9 ß on Daniel Burr payable to de Baets	200	
	8	ditto paid Iames Benfield per bill Abraham vander Voort dated the 9 of Iuly for the vallue of him	80	
	11	ditto paid Philip Burlamachy per bill at 2 uſance a 37 ℔ 1 ß on Carlo Latfeur & Comp. payable to de Baets	500	
			129426-	

This action of account is aggravated with ſuch circumſtances of Fraud and practiſe, that cannot be parralelled in any age of the wo
Peter Boudaen was the ſon of Mathias Boudaen, that married Margaret the Eldeſt Siſter of Sr. William Courten, who fled with
Father for Religion into England out of Meenen in Flanderrs in the Year 1567 being then but three Years old, afterwards ſhe ma
with the ſaid Mathias a man of poor Extract from Antwerp, who ſetled himſelf at Rotterdam where he became Banckrupt, and u
his flight towards England was drowned near unto the Briell leaving his wife and two children (at Roterdam) named Peter and An
who ſoon after transported themſelves to London for relief from their Freinds. Afterwards Jacob Pergens a German borne mar
ſayd Anna Boudaen, and was made a free Denizon of England where they lived many Years together. And the Widdow Margaret b
aged 42 Years, paſt hopes of Childeren having married with John Moncy the accomptant of S. William Courten in the Year 1606. the trad
many then begun.

Peter Courten the Brother ſetled himſelf at Middleburgh in Zealand, having married the Widdow of Mr. Furmenois of Cologne with
beren a ſon and a Daughter, named Walter and Catharine, and bredd up the ſayd Peter Boudaen his Nephew in his houſe to be an accomp
up his books, and married him to Catharine his daughter in Law againſt the conſent of her Mother.

William Courten who raiſed his Fortune and Credit by the marriage of Heſter Cromelinck his firſt wife (the Daughter of Mr. Peter Cro
a linnen Merchant from Cortrick) was a perſon of worth and honeſt principles. But being overladen with Years and buſines truſted m
the integrity of his Brother and Nephew in Zealand, and upon his death bed deſired Mr. Pergens being then preſent that he would aſſiſt hi
in William Courten to ſetle the accounts which had not been liquidated ſince the Year 1622 that the debts of the Company might be pa
they lay verry heavy upon him and his Family.

Peter Courten being in the Year 1630. left the ſayd Peter Boudaen ſole Executor and John Moncy alſo died in the Year 1631 at Mr. Peter B
his houſe in Middleburgh, being arrived there to ſetle the ſayd accounts of the Company, and to Ballance the books. Notwebter Peter Boudaen
the time away untill the Year 1640 that the Civell warr began in England, then Soon after William Courten the Son abſented himſelfe and
became inſolvent.

In the Year 1650 a bigorous Suit was begun by John White and Heſter his wife Niece of John Moncy (concerning the ſayd accompts) wh
continued until the Year 1660, juſtice being poſſitively denied both in Middleburgh and the Hague where Boudaen was protected from giving
account or even to ſuffer any inſpection into the Companies books kept by Sr. Peter Courten, After the Kings reſtauration Mr. Carew and M. Bec
tred the liſt upon the ſame diſpute, where they have been Combatants ever ſince, and can get noe ground. Boudaens and Pergens having gai
the Magiſtrates of Amſterdam, Middleburgh and the Hague to be their ſeconds in diſpite of Juſtice and the Kings recomendations. And for

As also the goods and Merchandizes returned by Sr. *Peter Courten & Peter Boudaen* according to their severall Factories, since the Companies Accounts were last liquidated: Faithfully posted out of the Originall Books Kept by Mr. *Leonard Houtman, Iames Boeve & Peter van Dam*, and brought over to the last Folio Anno 1632.

Sr. Peter Courten is Creditor.

			℔ Sterl.		
1632.	6 April.	Received of William Barlett by bill remitted by Iacob Pergens from Franckfort	60		
	23	ditto Received of Abraham Dawes by bill remitted by Iacob Pergens from Francfort	40		
	26	ditto per Lawns received in the Case No. O. 286 half peeces	304	5	6
		ditto per Lawns received in the Case No. X. 320 half peeces	373	4	
		ditto per Cambricks received in the Case No. H. 276 half peeces	253	1	
		ditto per linnen Cloth received in the pack No. 1. 15½ peeces	66		8
		ditto per linnen Cloth received in the pack No. 8. 15½ peeces	58	19	5
		ditto per Steel received by way of Dort 10 Barrells	126		
	14 May.	Received of Nicholas Pay by bill remitted by Iacob Pergens from Francfort	50		
	19	ditto per Calve-skins Shipped by Peter Boudaen in the St. George 300 Dozen	270		
		ditto per Hydes Shipped by Peter Boudaen in the St. George 550 hides	330		
		ditto per voyage to St. Lucar for Butter, Beef, and Tallow laden at Rochell in the Iames	35		
	25	ditto per Lawns received in the Case No. E. 320 half peeces	265	8	
	31	ditto per Steel received in one Barrell weight 1040 ℔	21	18	7
	30 Iune.	per Steel received by way of Dort 8 Barrells	100	16	
		ditto per Silk grograins received in the Case No. I. 10 peeces	240	6	4
		ditto per Silk grograins received in the Case No. K. 15 peeces	235	10	
		ditto per Diaper received in the pack No. C. 52 peeces	114	15	4
		ditto per linnen Cloth for wrappers of the said pack No. C. 2 peeces	5	6	3
		ditto per linnen Cloth received in the pack No. B. 41 peeces	114	19	10
		ditto per linnen Cloth received in the pack No. 1. 31 peeces	100	18	5
	2 Iuly.	per linnen Cloth received in the pack No. 2. 31 peeces	110	8	6
		ditto per linnen Cloth received in the pack No. 3. 31 peeces	104		2
	12	ditto per linnen Cloth received in the pack No. D. 41 peeces	127	8	1
	26	ditto per Packet Cambricks received in the Case No. 2. 166 packets	268	14	6
		ditto per Cambricks received in the Case No. 4. 130 half peeces	113	11	
		ditto per packet Lawns received in the said Case No. 4. 88 packets	171	18	
		ditto per packet Cambricks received in the Case No. 1. 76 packets	118	8	6
		ditto per packet Lawnes received in the said Case No. 1. 80 packets	134	5	9
		ditto per packet Cambricks received in the Case No. 3. 60 packets	253	9	
	27	ditto per Lawns received in the Case No. 1. 180 half peeces	205	17	6
		ditto per Lawns received in the Case No. 1. 72 packets	129	16	6
		ditto per diapers received in the pack No. E. 52 peeces	176	5	7
		ditto per linnen Cloth for wrappers of the said pack No. E. 2 peeces	6	8	10
		ditto per Steel received by way of Dort 36 barrells	452	12	
	17 Aug.	per Cambricks received in the Case No. G. 276 half peeces	244	11	6
		ditto per Cambricks received in the Case No. D. 272 half peeces	259	7	6
	22	ditto per Silk grograins received in the Case No. 13. 14 peeces	264	13	11
		ditto per Silk received in the Bale No. 12. 138 masses	175	2	4
		ditto per diapers received in the pack No. F. 52 peeces	175	11	4
		ditto per linnen Cloth for wrappers of the said pack No. F. 2 peeces			
	30	ditto per Cambricks received in the Case No. L. 272 half peeces	259	8	6
		ditto per Cambricks received in the Case No. P. 280 half peeces	269	2	
			7287	10	4
		per rest to Ballance this Accompt	122138	10	6
		in all.	129426	00	10

Peter Boudaen the Father (who died in the Year 1668) and his sons having been directors of the East-India Company successively since the Death of Sr. Peter Courten Anno 1630 and also Elders and Deacons of the English and Dutch congregations in Middleburgh. And Iacob Pergens a directour of the West-India Company ever since the Year 1643 and a member of the High-Dutch Church in Amsterdam are so linckt into such holy Fraternities and assemblies, that for their profession and religionsake they must not be detected in their evil ways and courses.

There needs no other argument to shew the unrighteousness of the Case, than this plain demonstration: That Sr. William Courten and his Son, who had reall estates and great capitalls, died insolvent indebted 150000 pound Sterling and upwards: And that Boudaen and Pergens, who had little or nothing of their own, are grown infinitely rich with other mens goods and money. Gotten into their hands.

Yet the Hollanders and Sealanders are so abominably vitious to report, when any English man comes over to call them to account, that they are seditious Persons, Desturbers of the peace, Enemies to the Welfare of their Countrey, and Men of dangerous principles to hinder the good intelligence between both Nations.

It is not onely a vast loss and prejudice to many particular Families in England, (to be thus kept out of their Estates) that have laboured all their lives to get something for their Children, whose bread is eaten by Strangers, but also a loss to the Kingdom in Generall, that so much of the money and stock of the Nation should be drawn out of the Realm to be improved against the Crown by a people, that are the worst Enemies thereof.

But above all these sad circumstances, the grand Concern and Interest, the Honour and reputation of the King and Kingdom, will be irrepairably lost if the Boudaens and Pergens should not be compelled to come to account in this and other Actions, and to render every English man his due who humbly begs for relief therein at the Parliament, Dooms.

Fiat Justitia, pereat Mundus.

An Abſtract of Mr. Iames Boevés *Atteſtation at* London, *the firſt of March.* 1675, Old ſtile.

HE Depoſeth that *Sr. William Courten*, *Sr. Pieter Courten* & *Iohn Moncy* (who married *Margaret Courten* the Widow of *Matthias Boudaen*) did trade in Company to all parts of the world: That *Sr. William Courten* had the half part in the Trade, and Each of the Other a Fourth part. That the Books of the Trade in *England* were kept at the houſe of *Iohn Moncy*; and the general Books of all the Trade out of *England* were kept at the houſe of *Sr. Peter Courten* in *Middleburgh*. That the Deponent *Iames Boevé* in the year 1628. came to live with the ſaid *Iohn Moncy*, as Bookkeeper, and did write the accounts in the Companies Books untill the year 1637. And that ſeverall Goods of the Company were ſold for time in the moneth of December 1636. And that diverſe Summs of Money were received in the year 1637. upon the Companies account. That this Deponent did ſend a Ballance of the ſame Books to *Peter Boudaen* of *Middelburgh* the Heir & Executor of *Sr. Peter Courten*, as ſucceeding him in the Company: which Ballance came to his hands, as appears by his Letter written from *Middleburgh* the 10th. of April 1637. in theſe words, *I have received the Ballance; but ſeverall particulars muſt be diſcharged one againſt another.* That this Deponent did alſo ſend the account of *Sr. Peter Courten* of all the goods bought by him, as alſo the account of profit and loſs written out of the ſaid Books kept at *London*: By which account *Sr. Peter Courten* ſtands Debitor the ſumm of one hundred thouſand pounds Sterling and upwards. That the accounts of the ſaid Company have not been liquidated & made even, nor any repartition made of the Effects of the ſaid Company.

This Atteſtation remains in the Regiſter of John Maurius *Notary Publicq in* London.
And was alſo depoſed before a Maſter of Chancery.

Actum primo Martii 1675. in the preſence of *Robert Stamper* & *William Wightman.*

An Abſtract of the Atteſtation and Declaration of *Mr. Iacob Pergens* at *Amſterdam.* The 23. of January 1676. New ſtile.

THat He this Deponent, upon the deſire of Mr. Peter Boudaen *his Brother in Law did make a voyage to the Citie of* London *in the year* 1636. *to aſſiſt* William Courten Eſqr. *with money, counſel and advice: And that He this Deponent did furniſh the ſaid* William Courten *with two thouſand one hundred & eleven pounds & one ſhilling Sterling; for which he gave an Obligation dated the third of* Auguſt 1636. *to the uſe of this Deponent, which was ſigned, ſealed, and delivered in the preſence of* John Ruſhout, Samuel Bonnel & John White, *who ſubſcribed their Names as Witneſſes thereunto. And this Deponent declareth, that the ſaid Obligation was made in his name in truſt for the ſaid* Peter Boudaen, *whoſe proper Money it was that he lent to the ſaid* William Courten. *And further declareth, that He this Deponent hath no right to the ſaid Money, nor ever had any right, pretence or intereſt therein: But that the ſaid debt & obligation belonged to the ſaid* Peter Boudaen, *and now to the Sons & Heirs of the ſaid* Peter Boudaen *deceaſed. And that He the ſaid* Jacob Pergens *aſſigned & transported the ſaid Obligation to them accordingly in full & effectuall form, to the onely uſe & behoof of them, their heirs & aſſigns for ever, without any reſervation in any manner or ways whatſoever.*

In the preſence of
John Hoove and
Marcelis Broen.

Actum at *Amſterdam* the 23. of *January* 1676.

And is Regiſtred in the Office of D. *Doornick*, *Publick Notary*, upon the *Singel* in *Amſterdam.*

NOTA. That this old bond made to Mr. Jacob Pergens in truſt, was aſſigned by him in the year 1675. to the Sons and Heirs of old Peter Boudaen to be brought in recombention againſt M. Carew who had ſeverall actions depending againſt them for moneys due to the ſaid Courten, beſides the Generall account of the Company. Which ſaid bond M. Pergens had fraudulently made uſe of before in his pretended claims upon Mr. Courtens Ships by conſent of Boudaen: Notwithſtanding he was Bona fide indebted ſo many thouſand pounds to Sr. William Courten and his heirs upon account of the Companies ſtock, as appears in the two foregoing pages, wherein the ſaid debt was to be diſcounted; it being the proper Money of the Company that Boudaen had gotten into his hands, and ſo would not be ſeen to repay it upon the account of the ſtock, but got Pergens to procure M. Courten to give a bond to him as his particular debt, which muſt be diſcounted when the books are ballanced. Although in ſtrictnes of Law, that debt ſhould come in concurrence with other creditors of M. Courtens proper account. And the ſtock of the Company ſhould be onely applied towards payment of the Companies debts. Noe repartition being to be made before the debts of the Company are payd and the books liquidated.

It

IT is further *Remarkable* that *Peter Boudaen*, who had always refuſed to ſettle the accounts of the Company with *Sr. William Courten* Knight, *Iohn Moncy*, *William Courten* Eſqr. Executor of *Sr. William*, *Iohn White*, *Iames Boevé*, Commiſſioners, or any other deputed in Law to call him thereunto, as Executor to *Sr. Peter Courten*. *Boudaen* having renounced his Mothers Eſtate and the Execution of *Iohn Moncys* Will, untill the Sentence pronounced by the Supream Court of *Iudicature* at the *Hague* on the 19th. of May 1657. He then queſtioned *Iames Boevé* for the ſaid Moneys ſtanding out upon his particular account from Banckrupts & others as aforeſaid, & for the Moneys that the ſaid *Boevé* had paid (by Mrs. *Margaret Moncys* order) to Mr. *Iacob Pergens* & others, which had paſſed current for 18. years together without diſpute.

When James Boevé in the year 1660. proſecuted his action depending before the Lords of Middleburgh to a Sentence for the Legacy of 2000. pounds given by Mr. Moncy as aforeſaid. Whereby the Magiſtrates confirmed the Will, and annihilated Mrs. Whites Adminiſtration. But condemned Peter Boudaen to pay the ſaid 2000. pounds, with intereſt at 5. per cent: provided the intereſt ſhould not Exceed the Capital: whereof two parts was to be paid unto James Boevé, and the third part unto his Daughter, born of the ſaid Suſanna de Wyer, according to the Contract of Marriage.

Then the King of England &c. ſent his Letter of recommendation to the States of Zealand, dated the 15th. of Auguſt 1660. requiring that Mr. James Boevé, might have Execution according to the ſaid Sentence: whereupon the Magiſtrates ordered a reference of the whole Matter unto three of the Lords viz. Mr. William Quirinx, John Reygersburgh, & Huybrecht de Haſe, to accommodate the difference between both parties.

Nevertheleſs Boudaen appealed to the Hague, and procured a Sentence from the High Court of Juſtice upon the 21th. of June 1662. that James Boevé ſhould give ſufficient ſecurity (before he ſhould have Execution upon the Sentence at Middleburgh) to repay all ſuch ſummes of Money as ſhould be found due unto the ſaid Boudaen, upon his Counter-Charges aforeſaid, and by another Sentence of the 16th. of May 1666. the High Court of Judicature reſerved to Mr. Boevé his action againſt Mr. Pergens for the 691. pounds 16. ſs. 7. d. being Money found paid unto him more then his due upon any account whatſoever. Which hangs in ſuſpence unrill this day upon thoſe unconſcionable practiſes. And the Sons of Boudaen refuſe to ſuffer any reviſion of the accounts to be made by Merchants, knowing that Mr. Boevé cannot be chargeable with bad debts upon Boudaens account, although Boevé had ſold the goods by Commiſſion as a Factor; much leſs as acting under Mrs. Moncys Orders, unto whom the goods were conſigned, by Peter Boudaen her Son.

ANIMADVERSION.

THe Hollanders *do boaſt that they have beaten the* English (for ſome Reaſons) *out of the Seas, out of their Forts, plantations and Caſtles, Ships, Goods, Moneys, Storehouſes and trade in diverſe places of* Europe, Aſia, Africa, *and* America. *But to cheat them out of their ſences and reaſon, and beat them out of their Municipall Laws & Cuſtoms in* England, *are Offences ſo Inſolent and Unpardonable, that no true* English-men, *who have either courage or wit, can patiently ſuffer.*

Amboyna, Poleron, Syrinam, Guiny, Molucco's, Muſcovia, Canton, Maccao, Japan &c.

Advertiſement to the Courteous Reader.

THE *King of Great Britain*, being reſtored to his Crown & Kingdoms, Severall of the Creditors of *Sr. William Courten*, *Sr. Paul Pyndar*, & *Sr. Edward Littleton*, in the year 1660. made their applications to his *Majeſty* by petitions to be releived in the premiſes, againſt the *Eaſt-India Company* of the *Netherlands*, *Sr. Jacob Catts*, *Jacob Pergens* and *Peter Boudaen*. Whereupon ſeverall references were granted and reports made. That *Sr. Paul Pyndar*, and *Sr. William Courten*, having been great Servants to the *Crown*, and thoſe that claimed under them, great ſufferers for his *Majeſty* and his *Father*. The *King* was obliged in Juſtice & Honour to recommend their caſes to the *States Generall*. More Eſpecially the caſe concerning the ſpoil of the two Ships aforeſaid to have ſatisfaction and reparations particularly for that Matter in an Amicable way, and for thoſe other civill actions at Law, to require Expedition in the Ordinary Courſe of *Juſtice*, which have been proſecuted accordingly as hereafter is mentioned. *Sr. Edward Nicholas* then principall Secretary to his *Majeſty*, Renumerated of his own knowledg to the Earl of *Clarendon* Lord *High Chancelor* of *England*, that *Sr. Paul Pyndar* ſerved *King James* and the *Turky Company*, Eleaven years as Embaſſador in *Conſtantinople*, wherein he had much advanced the Levant trade, and English Manufactures. That at his return he was a great Benefactor to *St. Pauls Church*. That he had furniſhed his late *Majeſty* with ſeverall Diamonds and other Jewells of the *Crown* upon credit, beſides ſeverall great ſumms of Money towards the ordinary Charge of the *Crown* in ſupplying *Embaſſadors* abroad, & other incident Charges for the Honour of the *King* & *Kingdom*, before the unhappy warr. That *Sr. William Courten* had likewiſe furniſhed *King James* and his late *Majeſty* with diverſe great ſumms of Money, before his death which were alſo unſatisfied; Notwithſtanding they had ſeverall aſſignations for the ſame upon the 4. intire ſubſidies & the Earl of *Straffords Collections* upon Recuſants, the Allum Farm, the Sugar Farm Soap Boylers and Dyers &c. That *Sr. William Courten* had improved the Navigation of *England* by diſcovering & planting the *Barbados*, and alſo had laid good foundations for trading voyages in the *Eaſt-Indies*, *China*, and *Japan*, which would have been very profitable unto *England*, if the *Dutch* had not disapointed *Sr. William Courten*, his Heirs and Aſſigns, in their lawfull Enterprizes, and ſo ingroſſed thoſe trading voyages to themſelvs.

The ſaid caſe concerning the two Ships *Bona Eſperanza* & *Henry Bona Adventura*, with the proceedings thereupon being voluminous is contracted into the two ſeverall Advices & Reſolutions following, the firſt being drawn (by Order of the ſaid *Lord Chancelor*) & ſigned by the Moſt Eminent Lawyers of *England*, & the ſecond, by appointment of the *Eaſt-India Company* of the *Netherlands*, & the Penſionaris *John de Witt*, which was ſigned by the Moſt Eminent Advocates in the *Hague*, in the year 1663: But in regard all the Arguments & reaſons of the English Lawyers and Miniſters of State, were not Effectuall, Letters Patents for Eſpeciall Repriſalls were granted under the great Seal of *Englaud* which are alſo recited in Order after the ſeverall and reſpective Opinions of the Lawyers and Advocates aforeſaid, and ſome Obſervations remarkable thereupon.

The Caſe faithfully ſtated by the Appointment of the Lord High *Chancelor* of *England*, A°. 1663. for the Opinions of the moſt Eminent Common Lawyers & Civillians in *England*.

WIlliam Courten, *being Intereſſed in ſeverall Ships and Merchandiſes therein, they are put to Sea on a trading voyage to the* Indies, China *and* Japan. Anno 1641.

William Courten *being much indebted to ſeverall perſons, and* Sr. Edward Littleton *being bound for him to them,* William Courten *grants two of the Ships called* the Paradox, *and* the Heſter, *and the fraight, &c. due to him for their ſervice and imployment, and all his ſtock, fraights &c. in the other Ships; And the Policies of Aſſurance.* 26. April. 1642.

This Grant is made in conſideration of xx. ß. *and in generall for other conſiderations. Provided if that* William Courten *or his Executors, &c. pay the debts within* 27. *Moneths, and ſave* Sr. Edward Littleton *Harmleſs, that the grant then to be void.*

William Courten *and* Sr. Edward Littleton *reciting the firſt deed, and a great debt of* 24800. *& for a further ſecurity of that debt, grant unto* Sr. Paul Pyndar *his Executors, Adminiſtrators and aſſigns, all the ſaid Ships, apparell, ſtock of Merchandiſe, and the Policies of Aſſurance, and all their Intereſt therein, under divers agreements; the effect whereof, is: That* Sr. Edward Littleton *ſhall and may order and diſpoſe of the returns, for* Pyndars *ſatisfaction, by ſeverall proportions out of each Ship, and the reſidue to be to* Sr. Edward Littleton *for the purpoſes in the Indenture, and ſeverall other agreements; by all which it appears that* Sr. Paul Pyndar *was not to have more then ſatisfaction of his debt; but after that ſatisfied in ſuch Manner as is expreſſed in th' Indenture, the benefit of the ſurplus was to be for* Sr. Edward Littleton, *and* William Courten. 19. Decem. 1642. 3000. out of the Ship Bona Eſperance. 2500 out of the Bona Adventura.

The debts for which Sr. Edward Littleton *was bound, are not diſcharged within the* 27. *Moneths, nor are yet diſcharged, as appears by the bonds & outlawries upon record.*

Then the Bon Eſperanza, *one of the ſaid Ships, is ſurpriſed in a hoſtile manner by the ſubjects of* Holland, *and the* Henry Bonadventura, *and her goods alſo taken into their poſſeſſion.*

William Courten, *as is pretended, by ſubſequent bills of ſale, aſſigns his Intereſt and all the Stock, &c, to* Jacob Pergens, *who makes Compoſition for the ſame in the year* 1649. *for* 85000. *gilders.* Anno 1647. and 1648.

The Queſtion propounded is, whether this aſſignment to *Pergens* be valid, and the Compoſition made by him be good or no, or whether the grant to *Littleton*, or by him and *William Courten* to *Pyndar* be good or no?

WE *Conceive that both Queſtions fall into one: For if* Littletons *or* Pyndars *grant be valid,* Pergens *grant & Compoſition is void againſt* Pyndar *&* Littleton, *& ſo á converſo.*

We Conceive that by the Common Law of England *there can no doubt be made, but that the Intereſt & Property of the ſhips and Merchandizes in them, are really and effectually conveyed, and transferred firſt unto* Sr. Edward Littleton, *and then unto* Sr. Paul Pyndar. *And although it be ſo done under certain Conditions or Proviſoes and agreements, yet till performance of ſuch Proviſo by* Courten *in* Littletons *Caſe, the Intereſt remained in* Littleton, *and when that Condition was not performed (as to this day it is not) the grant became an abſolute grant. And* Courten *or his Aſſignee can never avoid it. And as for* Pyndars *grant, it is abſolutely good, but the perſon of* Pyndar *is ſubject after ſatisfaction made to him of his debt, to give an Account, and make ſatisfaction to* Courten *and* Littleton. *But that power of drawing* Pyndar *to account no way leſſens* Pyndars *right and property; he is perfectly* proprietarius *by the Common Law of* England.

And this being a Contract made in England *by ſubjects of the Crown of* England, *and touching their own Intereſt, we ſee not how it can be otherwiſe interpreted.*

When Courten *grants his Intereſt to* Littleton, *it hath no Condition, but that if* Courten *pay the debts within the time limited, when that time is expired and no payment made, the legall Intereſt is abſolutely out of* Courten, *and becomes* Pyndars, *not as Aſſignee of* Courten, *but as Aſſignee of* Littleton. *Yet 'tis true that* Pyndar *after ſatisfaction to him of his debts, was to make ſatisfaction of the ſurpluſage, but not at all till ſuch ſatisfaction.*

Then Courtens *Aſſignee can have no more or greater Intereſt then himſelf had, nor could transferr any property to* Pergens, *becauſe he himſelf had no property in the thing, but onely a poſſibility and a power to call* Pyndar *to account for the ſurpluſage after ſatisfaction of* Pyndars *debt, and not before.*

A Merchant of London *may ſell his goods in his Factors hands at* Amſterdam; *the poſſeſſion, by the Law of* England, *goeth with the property. And where the right and property is, there by the Law of* England *is the poſſeſſion, unleſs ſome other perſon obtains the actuall poſſeſſion as a treſpaſſer.*

Subſcribed by

John Maynard. Edward Turnor. Will: Turner. Timotheus Baldwyn. Ben. Hoskyns. Sam. Baldwyn. Walter Walker. David Budd.

The

The Advice & Opinions of the Advocates & Profeſſors of the Law at the Hague, *on behalf of the* Eaſt-India Company *of the* Netherlands, *in the caſe depending between them & the Adminiſtrator of* Sr. Paul Pyndar, *tranſlated out of the* Low-dutch *into* English. *Anno* 1663.

WE whoſe names are hereunder written have ſeen a certain Copy of that Contract tranſlated into *Dutch* bearing date the 19th. of *December* 1642. Between *William Courten Eſquire* of the one part *Sr. Edward Littleton* Baronet, of the other part, and *Sr. Paul Pyndar* of the third part; And a perfect Copy of the Inſtrument of Procuration dated 27th. of *October* 1645. from the ſaid *William Courten* granted to *Jacob Pergens*; and a Copy of the Letters from the *Houſe of Lords* in *Parliament* dated the 20th. of *March* 164½. to the Reſident *Strickland* in favour of the ſaid *Courten*; likewiſe two perfect Copies of Letters from his *Majeſty of England*, one to the Lords the *States Generall*, another to the Reſident in favour of *Courten* and his Aſſigns both written on the 9th. of *October* 1647. Alſo the Authentick Copies of two Transports and procurations from the ſaid *Courten*, one dated the 10th. of *December* 1647. at *London*, and the other on the 22th. of *February* 1648. here at the *Hague* granted to the uſe of the ſaid *Jacob Pergens*: likewiſe a Copy of the Inſinuation (made by *Jonas Abeels*, Procurator of the ſaid *Sr. Paul Pyndar* to the Directors of the *Eaſt-India Company* of *Amſterdam*, dated the 25th. of *May* 1648. and of the arreſt made the firſt of *October* 1648. in the hands of the Company, and a Copy of the Certificate from the Senators and Magiſtrates of the ſaid City of the 7th. of *Auguſt* 1654. with the aſſertion taken out of the Regiſter of Cauſes Judiciall of that place in which the ſaid Arreſt was declared valid on the 13th. of *November* 1648. And alſo a Copy of the Inſtrument of Renovation of the ſaid Arreſt dated the 2th. of *November* 1649. and of the proteſt of the 11th. of the ſame Moneth, & divers proceedings out of the Regiſter of Judiciall Cauſes of the ſaid City dated reſpectively the laſt of *May*, 21th. of *June*, 13th. of *September*, and the 8th. of *November* 1650. and of the 14th. of *February* 1651. containing the Requeſt of the ſaid *Abeels* exhibited againſt the Directors of the *Eaſt-India Company* aforeſaid; And the decree of the *Schepens* or Judges, that the cauſe (ſaving the jurisdiction of the Court) ſhould be in *Statu*, beſides ſome particulars out of the ſame Regiſter dated 13th. of *September* 1650. containing the Requeſt exhibited by the ſaid Directors of the Company againſt *Jacob Pergens* to be indempnified, beſides two Copies taken out of the Index or Repertory on the part and behalf of the *Engliſh* Merchants againſt the people of the *United Provinces* of the *Netherlands*, by vertue of the 30th. Article of the peace before the Commiſſioners therein nominated containing in the firſt, a Petition of *William Tombes* Executor of Sr. *Paul Pyndar*, as to the Ship called *Bona Eſperanza* for the ſumm of 72546. ℔. and in the ſecond, a petition of the ſaid *Courten* for the ſumm of 60000. ℔. and *Moulton* and other Proprietors of the ſaid Ship for the ſumm of 10000. ℔. Sterling; And a Copy of the Letters from his *Majeſty of England* dated the 21th. of *March* 166½. to the Lords *States Generall*; And a Memorial of Sr. *George Downing* Reſident, dated the 20th. of *April* delivered to the ſaid Lords, and the anſwer of the ſaid Lords to the ſame; and even by the expreſs proofs taken againſt the *Eaſt-India Company* in the name and behalf of the ſaid *Courten* and others intereſſed by reaſon of the loſs ſuſtained in the *Eaſt-Indies*; and another anſwer of the Lords *States General* to the Memorial of Sr. *George Downing*, and his Reply of the 13th. of *July*; And a Latter memorial of the *firſt* of *September* laſt, exhibited by the ſaid Sr. *George Downing*, concerning all things belonging to the ſaid Ships called *Bona Eſperanza* and *Henry Bonadventure*, that the ſaid *Courten* ſent into the *Eaſt-Indies*; of which the firſt was confiſcated, and the Goods of the other driven upon the Iſland *Mauritius*, and part of them ſaved by the Officers of the Company from whence theſe queſtions doe ariſe:

1. *Whether the Company, notwithſtanding the ſaid Contract of the* 19th. *of* December 1642. *or inſinuations, proteſtations & Arreſts, might not tranſact with the ſaid* Courten, *or his Agent* Pergens *for the ſumm of* 85000. *gilders on the* 18th. *of* September 1649. *as was actually done*?
2. *Whether the ſaid* Pyndar, *or now his Adminiſtrator is not bound to ſtand to the ſaid agreement made between the Company and* Jacob Pergens, Courtens *Aſſignee*?

We affirm (under Correction of better judgements) upon the ſaid queſtion, that the Directors of the ſaid *Company* were free to agree with *Courten* or his Procurator, as by the tranſaction of the 18th. of *September* 1649. notwithſtanding the inſinuation and proteſtation of the 20th. of *May*, and the arreſt of the firſt of *October* aforeſaid.

And

And conſequently that the ſaid *Pyndar* or now his Adminiſtrator is bound to acquieſce in the ſaid agreement made reſpectively between the ſaid *Pergens*, and the *Eaſt-India Company*.

For theſe reaſons, that although the ſaid contract of 19. *Decemb.* 1642. was to the ſaid *Pyndar* under the title of a Bargain and Sale, yet it appears not that there was any delivery of poſſeſſion given by the ſaid *Courten* or *Littleton*, to transferr the property of the ſaid Ships and Merchandizes to *Pyndar*.

But on the contrary, the very expreſſions of *Courten* and *Littleton* are, that they are pledged under a Condition, that Sr. *Paul Pyndar* at the return of the ſaid Ship *Bona Eſperanza*, with the lading ſhould be paid 3000. ℔. And of the ſaid Ship *Bonadventure* 2500. ℔ Sterling, one half at one Moneth and the other half at two Moneths after the return and unlading of the ſaid Ships at *London* or elſewhere; and theſe payments being made, it ſhould be lawfull for the ſaid *Littleton* to have, hold, and enjoy all the reſt of the ſaid goods in his own poſſeſſion to the intention which in the ſaid contract is more at large expreſſed.

And it was expreſly agreed and declared even between the ſaid parties, (notwithſtanding that they had granted, bargained and ſold the ſaid Ships to the ſaid *Pyndar*) that he the ſaid *Pyndar* ſhould not any ways bear or ſuffer any loſs or Dammage which ſhould happen by reaſon of Shipwrack or otherwiſe. But that theſe Dammages (if any ſhall happen) (as the caſe fell out) were onely to be born and ſuſtained by the ſaid *Courten*.

Neither was there granted to *Pyndar* any authority to receive or ſell any Merchandize, returns or lading whereby he might pay the debts he had owing before the ſaid time of payment was expired: And the ſaid *Courten* and *Littleton* had not ſatisfied the ſaid *Pyndar* the ſaid reſpective ſumms, and in caſe of ſatisfaction he is bound to render to *Littleton* the ſurplus and what ſhall be remaining: And in caſe of Shipwrack or any other ſuch like misfortune for the ſecurity of the Moneys, the Inſtruments or Policies of Aſſurance were delivered even upon the pretended title of buying (notwithſtanding that in the ſaid Ships were ſecured 1100. pounds more by the ſaid Policies then they owed *Pyndar*: which more fully appears by the ſaid Contract.

That thoſe Obligations and other ſecurities (even amongſt thoſe bonds of *Samuel Bonnell*, mentioned in the ſaid Contract to *Pyndar*) (notwithſtanding the pretended Bargain and Sale of the ſaid Ships & Goods & Merchandize therein mentioned & Policies of Aſſurances) remained & were detained by him, for that about the end of the ſaid Contract *Pyndar* covenanted with them in caſe he ſhould be ſatisfied the ſaid debt, that he would deliver the ſaid Bonds and Aſſurances to *Courten* and *Littleton*.

By all which things it appears, that although the words of the ſaid Contract ſay, that *Courten* & *Littleton* had granted bargained and ſold to the ſaid *Pyndar* the ſaid Ships, Merchandize, Proceeds, and Effects, Policies &c. yet in truth there is nothing elſe treated of or ingaged by the ſaid Contract then ſecurity to the ſaid *Pyndar* for his great credit given to *Courten*: For even the meaning and intention of a Contract is more lookt upon then the words: *Arvid & Bald B.* thence ariſeth an Argument from the nature of the Act: For to whom the nature of the Act, to him alſo the ſpecies thereof is granted: It is the ſame concerning buying and ſelling, as in a perfect Contract, the hazard is in the buyer: and knowing not the ſpecies of any Contract, the Grants therein ought to be more lookt after then the bare words: *A Mantica* teacheth by many examples and illuſtrates it.

A l. Fuſu tam D. de præſcript. verb l. ſi uno in prim D. Locati & l. ſi Olei cum Gloſs. Cod. ibid B. Bald. in L. cum dotem in 2. Cod. de jure dot a Mant, de tacit. & ambig. convent. lib. 2. tit. 2.

WHEREAS now the Propriety, Poſſeſſion, and Adminiſtration of the ſaid Ships, Goods and Merchandize remain in his hands to which before they did belong, and conſequently by the Contract he ought to ſuſtain the Dammage of Shipwrack and other misfortunes, whereupon it was thought moſt juſt that he ſhould have liberty to trade with thoſe. *And becauſe by his Agent he dealt with the ſaid Company upon more profitable terms then if he ſhould bring his Action againſt the ſaid Company for ſatisfaction and ſhould receive the Money ſecured to the value of 5500. ℔ Sterling*: Whereupon if *Pyndars* Adminiſtrator upon no foundation making compoſition with the ſaid Company, a Queſtion may ariſe eſpecially becauſe the Lords Directors in reſpect of the Society have and can acknowledge no other as Owner of the ſaid Ships and Burthen thereof then him who is publiquely ſo acknowledged to be, being much recommended by ſeverall Letters, as well from the *Parliament* as the *King of England*, dated the 20th. of *March* 164⅞. and the *Ninth* of *October* 1647. And that ſome conſiderable time before the firſt Inſinuation from *Jonas Abeels* in his ſaid quality made the 25th. of *May* 1648. were in transaction.

1. *As alſo the Adminiſtrator of* Pyndar *now hath ſo much the leſs foundation to expound or queſtion the firſt agreement, for that the ſaid* Abeels *did not proteſt by his ſaid Inſinuation againſt the ſaid agreement of* Courten *or his Agent, but onely againſt the payment of the Money to any other then to his Maſter* Sr. Paul Pyndar.

2. *That the ſaid* Abeels *on the* firſt *of* October *following in the name of* Sr. Paul Pyndar *did Arreſt and take care to detain in the hands of the Directors all that which they (by the very words of the ſaid arreſt) by Liquidation or agreement with the ſaid* Courten *by reaſon of the ſaid two Ships ought to pay: which Inſtrument of arreſt in the ſaid manner was declared valid by the Schepens or Judges: As appears by the Regiſter of Cauſes Judiciall on the* 13th. *of* November 1648.

3. Thirdly *becauſe on the* ſecond *of* November 1649. Jonas Abeels *in the name of the ſaid* Pyndar *as having action and tranſport from the ſaid* Courten *and* Littleton, *did renew the ſaid arreſt in the hands of the ſaid Directors of the Company for all that they by agreement with the ſaid* Courten *for the ſaid Ships and Goods ought to pay to the ſaid* Courten.

4. Fourthly *becauſe by the ſecond Inſinuation and proteſt of the* 11th. November 1649. *and by conſequence after the transaction made with* Jacob Pergens, Jonas Abeels *again renewed the firſt Arreſts and Inſinuations: And to make them more effectuall* Sr. George Downing *in his Memoriall exhibited to the ſaid Lords the* States Generall *of the* firſt *of* September *laſt calls them lawfull.*

5. Fifthly (*which is greater and beyond all contradiction*) *becauſe the ſaid* Abeels *in Court inſtituted his Proceß on the* 20th. *of* May *againſt the ſaid Lords Directors again in his ſaid quality as Agent for* Sr. Paul Pyndar *as having the action and transport of the ſaid* Courten *and* Littleton, *concluded that the Directors ſhould acknowledge or deny* (Bona fide) *the ſaid tripartite Indenture of the* 19th. *of* December 1642. *And by Conſequence that the ſaid Defendants ſhould be condemned according to the ſaid Inſinuations and arreſts to pay to him the ſaid Demandant in his ſaid quality and by proviſion to depoſite* 85000. *gilders, which they had undertaken to pay for the Dammages and pretences which* William Courten *and others pretended for the ſaid Ships with intereſt from the day of the agreement to the effectuall payment thereof, as more largely appears by the ſaid Inſtrument, which cauſe was offered or brought into judgement on the* 13th. *of* September 1650. *in the ſaid quality of* Abeels *againſt the Company and left* in Statu.

And the *Lords Directors* at the ſame time exhibited a petition to be indempnified againſt the ſaid *Pergens* in the ſame Cauſe: And the ſame Cauſe on the 14th. of *February* 1651. as before was again brought into judgement, and afterwards brought into the ſame State as by the ſaid Inſtruments it appeareth: All which things cannot be reputed to be again controverted *as to the ſaid agreement on the behalf of the ſaid* Pyndar, *and becauſe the Adminiſtrator of his Goods by the laſt agreement made between the* King *of* England *and theſe* Provnices *is to be ſatisfied*, for all whereby the proceſs was freed, (which is and can be underſtood concerning the difference before the Judges of the City of *Amſterdam*) by *Jonas Abeels*, in the name of *Pyndar* to be proſecuted againſt the Company, ſo that we find no cauſe wherefore or how the Adminiſtrator could now bring into queſtion againſt the Company the transaction or Agreement made with *Pergens* as the Procurator of *Courten*.

And moreover that the ſaid *Courten* remained in full poſſeſſion of the ſaid Ships and Goods laden in the ſame. And conſequently it appears from them that the altering of the Property and right of the ſaid Ships was nothing elſe but a pledge and ſecurity for the ſaid *Pyndar* which is put into the Catalogue of pretences which the pretended ſet forth *pag.* 2. That *Courten* by his Freinds and Correſpondents of the Company requeſted the *Dutch* in the *Indies* that they would Command the Governour of the *Iſle Mauritius* to reſtore the goods which were ſaved out of the Ship *Bonadventure*.

And as for that which is ſaid that another Ship was taken away by the *Dutch* and there forfeited to the Dammage of *Courten*, and *page* 8. for the accompt of the ſaid *Courten* in the Ship *Bona Eſperanza* that it was laden with *Indian* Merchandize there above expreſſed to the value of above 5000. ℔. Sterling, and becauſe at the time of the Contract made, the Ships were long before ſent into the *Indies*, therefore it cannot be that the poſſeſſions of ſuch Merchandize ſhould paſs by the ſaid Contract from *Courten* to *Pyndar*: But he ought to be of the ſame judgement that the hazard and Dammage which fell out ought to be charged on *Pyndar*, it agreeing with this Maxime *Quæque ſuo Domino pereat*, whereas it is contrary to the words of the Contract (becauſe as aforeſaid) all Dammages and loſſes ought to redound onely to *Courten*, wherefore according to the ſaid Rule that every man that ſends out, ought onely to be underſtood accordingly, which plainly appears in the beginning of the Contract, where it is ſaid that *Pyndar* was not content with the ſecurity of *Bonnell*, and that *Courten* and *Littleton* were well inclined to give him ſuch further ſecurity for the payment of the Debt, and although they ſay that they did Grant, Bargain and ſell the Ships with their Burthen and proceeding, yet (as we are informed) the Ships did not belong to *Courten* or *Littleton*. And that the Burthen, Wares and Merchandizes and Policies of Inſurance, were of greater value then the debt of *Pyndar* did amount unto: Alſo that the Merchandizes at that time could not be valued: And that *Courten* and *Littleton* after ſatisfaction to *Pyndar* out of the Iſſues of the Ships ſhould receive unto themſelvs *Pyndars* Obligations which he kept to be delivered upon payment, being that he was not to be damnified, but that the Dammage and profit did onely concern *Courten*: Alſo that the trading in the *Eaſt-Indies* was acted onely in the name of *Courten*; and the name of *Pyndar* (as in fact we are informed) was never therein known as the Owner of the Ships, ſo that it is moſt certain that the ſaid *Pyndar* could not in the ſaid Contract gain the Right of Propriety to the ſaid Ships and Goods in queſtion: Wherefore it is an abuſe to ſay that *Pyndar* hath got the reall right for the Sale of the Ships and Goods, which at the time of the Contract were in the *Indies*, and upon the Iſle of *Mauritius* or *Goa* reſpectively, and afterwards taken and drove ashore. But allthough this is not to be believed but the contrary hereof may be on urgent occaſions shewed out of the Statutes, and by the Doctors learned in the *English* Laws *A*:

There

There was a Cuſtome in *England*, that where there is a ſimple transportation of moveable goods without delivery they give the reall right in them, yet that cannot be underſtood of Ships & Goods out of *England* which cannot be accepted by the Buyer or his Agent, but remain by voluntary conſent in Cuſtody of the firſt Owner, becauſe of the neceſſity of Commerce for the ſecurity of Contracts and avoyding of inevitable and innumerable diſputes there is a rule made amongſt many Nations, for moveables have no conſequences *Mobilia non habere ſequelam, and that the Cuſtoms which are obſerved in* England *about that point cannot oblige other Nations out of* England, *wherefore if the* English *ſhould maintain that againſt Forreigners, they would render themſelvs uncapable of exerciſing any Kind of Commerce with other Nations: and although an* English-man *doth ill in twice ſelling of goods, yet that doth not concern him to whom the goods are ſold and delivered:* But what belongs (as its ſaid) to the ſaid *Courten* ſhould be forfeited to his Creditors (that is nothing to the purpoſe) *firſt* becauſe (as we are informed) the Declaration where it appears he was Banckrupt was not made before the year 1650: And conſequently after the Procuration and Transports; And that the ſaid Declarations by the Commiſſioners upon the Statutes againſt Banckrupts afterwards made cannot infringe upon that which was made before by the ſaid Company (*Bona fide.*)

A &, inter alios ex Skeneo in reg. Majeſt. Scot. L. 2. cap. 18. Si donationem ipſam ſeiſina fuerit ſubſecuta perpetuo res manebit illi cui facta ſubdonatio & heredib. ſuis, ſi vero nulla fuerit ſeiſina ſubſecuta ex tali donatione nihil efficaciter poti poteſt, quia id intelligitur ſecundum Regni conſuetudinem potius eſſe nuda promiſſio quam aliqua vera donatio terra vel hereditatis, ſine ſeiſina & poſſeſſione nihil operatur, quia traditione dominium acquiritur & vulgo acceptum eſt chartam ſine ſeiſina nihil Juris tribuere, quia Charta nihil aliud eſt quam nuda promiſſio, cum ſcil. quis permittit ſe daturum cujusmodi promiſſio nullam inducit Obligationem: vulgo enim dicitur Nulla ſeiſina nulla terra & l. 2. cap. 33. verſ. 14. Ille præfertur, qui ſeiſinam obtinet, quia melior eſt conditio poſſidentis. & l. 3. cap. 10. verſ. 2. Perficitur emptio & venditio cum effectu ex quo de pretio inter contrahentes convenit, ita tamen quod ſecuta fuerit rei venditæ vel emptæ traditio & eodem lib. 3. verſ. 1. cum autem mobile vadum dicitur pignus quia res quæ pignori datur cum ſit mobilis, pugno ſive manu traditur, nam contrahitur pignus cum ejus ſeiſina & poſſeſſio datur Creditori ut hic: dicitur quia rei interventus eſt neceſſarius, ſine quo non contrahitur Obligatio pignoris, quæ tum demum oritur cum res eſt: traditio eandem ſententiam late confirmat. Tho. Cragius in tract. de jure Angl. l. 2. tit. 1. v. 42. in fin. Sine ſeiſina data liberum tenementum Feoffamento dono vel locatione non transfertur, & tit. 8. verſ. 19. ut donatio ſuis numeris abſoluta ſit, traditione vel quaſi confirmari debet; traditio autem vel ſeiſina, quot modis fiat alibi diximus. & l. 3. tit. 24 verſ. 3. in quia traditionibus & uſu.

Secondly becauſe by the ſaid Letters aswell of the ſaid *Parliament* as the *King of England*, it appears, that the ſaid *Courten* at the time aforeſaid or thereabouts was acknowledged for the Owner (with whom the ſaid Company compounded) & for that end recommended the cauſe of the ſaid *Courten* to the Lords *States Generall:* And for that the Company being Strangers were induced to give Credit to the Letters of the Governours of *England*, whereby the ſaid compoſition & agreement was obtained.

Thirdly & Laſtly, becauſe the ſaid *Abeels* himſelf as a Procurator of the ſaid *Pyndar*, conſented that the ſaid Company ſhould deal with the Agents of the ſaid *Courten*; And prohibited onely the payment of the Money to any other then himſelf or Sr. *Paul Pyndar*; Yea, which is of a greater force, it is accorded between the ſaid Agent and the ſaid Company when he was to conclude the approbation or denyall of the ſaid Contract and the payment of that which was promiſed in the ſaid agreement by the ſaid Company, as by the ſaid Inſinuations and Acts before the Judges of the City of *Amſterdam* more fully & clearly appears.

Thus it is adviſed by us at the *Hague* in *February* 1663. and ſubſcribed by *Wm. van den Kerckhove, Martin van der Goes, Iohan Walbeck, Iacob van Stryen, Corn. Caw, R. Burgersdijck, R. van Molaiſchot, Gaſp. Fagel.*

IT *is very obſervable & to be remarked, that the* Hollanders *took the Ship* Bona Eſperanza, *in the year* 1643. *when the* King *was not in a condition to protect his Subjects, ſo advantages were always taken to ſpoil us abroad while the* Kingdom *was divided at home. The* Dutch Eaſt-India Company *being ſenſible of* Mr. Courtens *Grants to* Sr. Edward Littleton, & Sr. Paul Pyndar, *before any tranſaction with* Mr. Pergens, *Some of their confederates to get a colourable pretence to compound with* Pergens, *who had no right or property from* Courten; *notwithſtanding the known rule in Law* (Nemo plus juris in alium transferre proteſt quàm ipſe habeat) *did procure a Letter from the long* Parliament *to* Mr. Strickland, *their Agent in the* Hague *to recommend the cauſe to the* States *in the year* 1647. *in favour of* Pergens. *And to make a mock of the late* King, *did alſo procure*

procure his Majeſties *Letters to the* States Generall *in the year* 1647. *in favour of* Pergens *likewiſe, when* Sr. Paul Pyndar *had diſcovered the fraudulent practiſes of* Courten *and his Complices, which were timely interdicted by* Jonas Abeels. *To add Fraud & Oppreſſion to force & violence, are ſuch abominations no where to be found, paralell to* Holland & Zealand.

They are worſe then infidells, *that provide not for their own families, but they are worſe than* Pagans *that do it out of other mens Eſtates, And will not render an account for what they have gotten into their hands by mutuall truſt and traffique or by fraude & force, which by the* Laws *of Common Humanity they are obliged to do.*

There was a laudable Cuſtome amongſt the Greeks *of old, that when any offendors, againſt the* Divine *or* Humane Laws, *fled for refuge into other* Cities, *out of the Juriſdiction of* Greece, *they would apprehend as many of their* Citizens *upon the firſt opportunity, and put them under ſafe Cuſtody, untill they ſhould deliver up the fugitive parties to* Juſtice. *Such a good practiſe in theſe days would ſpoil the two* Holland Sanctuaries Cullinburgh *and* Viana, *and very much diminiſh the two cheifeſt Cities* Amſterdam *and* Middelburgh.

If Advocates & Civilians *in the Low-Countries may be ſuffered to make Commentaries upon our* English Laws; *or to give their Interpretations, & Conſtructions upon Contracts, & agreements between the* Kings *Subjects, concerning their own intereſt, & property.* Weſtminſter Hall, *the* Inns of Court & Drs Commons *would be of no uſe in any forraign cauſes;* English-men *would have nothing more to loſe, when their birth-rights (the force & vertue of* English Laws & Cuſtoms) *are taken away by the* Hollanders: *That takes advantages of their own wrong.*

Every one ought to take notice of another mans right, who intermeddles with that wherein he hath no property; the righteous man finding his own Sheep in another mans paſture drives them to the pound untill the Dammages be indifferently valued & ſatisfaction given accordingly: if the Hollanders & Zealanders *did the ſame, who have lived upon the ſpoils of all Nations, their* Eaſt-India *Actions would fall from a Noble to nine pence.*

Upon their own ſhewing, the Eaſt-India Company of the Netherlands *ſet forth in their caſe, that* William Tooms, William Courten, *Capt.* Moulton *& other proprietors in ſeverall petitions Claimed the ſumm of* 142546. *pounds Sterling in purſuance of* Cromwels *Treaty Anno* 1654. *wherein the Dammages ariſing upon the ſpoils made out by the ſeverall depoſitions of the Factors & Mariners being conſidered, (the* damnum emergens *& the* lucrum ceſſans *were both put into the Ballance of Juſtice & Equity) otherwiſe the* Hollanders *would make great profit by other mens loſs, not onely in gaining the ſpoils, but ingroſſing the* Trade, & Navigation *to themſelvs, as they did to* Maccao *& the* River Canton *by taking away the Originall Contract & Articles made between* Courten *& the* Viceroy *of the* Emperour of China *at* Maccao.

Theſe aggravations (*inter alia*) cauſed this *Patent* following for Eſpeciall Repriſalls to be granted under the ſeverall Conditions, Proviſo's & Limitations contained therein.

A Copie

A Copie of Letters Patents, for Eſpeciall Repriſals from the King of Great Britain, (under the Great Seal of England) Againſt the States Generall & their Subjects, inrolled in the high Court of Chancery.

HARLES the Second, by the Grace of God, of England, Scotland, France and Ireland King, Defender of the Faith, &c. To all Chriſtian People to whom theſe preſents ſhall come, GREETING: WHEREAS our loving Subject William Courten Eſquire deceaſed, and his Partners Anno 1643. by the depredation and hoſtile act of one Gailand, Commander in chief of two Ships belonging to the East-India Company of the Netherlands, was between Goa and Maccao in the Straights of Malacca, depryved and moſt injurioully ſpoiled of a certain Ship named the Bona Eſperanza, and of her Tackling, Apparrell, and Furniture, and all the Goods and Lading in her, upon a very hopefull trading Voyage to China, which were carryed to Batavia, and there all de facto without due Proceſs of Law confiſcated; And that alſo in the ſame year, another laden Ship of Our ſaid Subject, called the Henry Bonadventure, being come on ground near the Iſland Mauritius, was there both Ship and Goods ſeized upon by ſome of the Officers and Miniſters, and Others under the command of the ſaid East-India Company, and utterly detained from the right Owners. AND WHEREAS the ſaid William Courten, and his Aſſigns in his life time, uſed all poſſible indeabours to recover the ſaid Ships and Goods, and to procure further Juſtice againſt the Malefactours, and yet could obtain no reſtitution or ſatisfaction, whereby they became to be much diſtreſſed & utterly undone in their Eſtate and Credit: And that thereupon, and upon the moſt humble ſupplication and Adreſſes of Francis Earl of Shrewsbury, and William Courten Eſquire, Grand-Child and Heir of the ſaid Sir William deceaſed, Sir John Ayton and Sir Edmond Turnor Knights, George Carew & Charles Whitaker Eſquires, on the behalf of themſelves and divers others intereſſed in the ſaid two Ships Bona Eſperanza and Henry Bonadventure, and in the Eſtates of the ſaid Sir William Courten deceaſed, Sir Edward Littleton Baronet, and Sir Paul Pyndar Knight deceaſed, that We would take their Caſe into Our Princely conſideration. WE OUT OF A JUST SENCE We then had & ſtill have of their unjuſt SUFFERINGS in that buſineſs, both by Our own Letters under OUR SIGN Manuall to the States Generall of the United Provinces, and by Sir George Downing Knight & Baronet, Our Envoy Extraordinary, to whom We gave Eſpeciall command ſo to do, required ſatisfaction to be made according to the Rules of Juſtice, and the Amity and good correſpondence, which We then deſired to conſerve with them firm and inviolable. AND WHEREAS after ſeverall Adreſſes made to the ſaid States Generall by Our ſaid Envoy, and nothing granted effectuall for relief of Our ſaid Subjects, (whom We take Ourſelves, in Honour and Juſtice, concerned to be ſatisfied and repaid) We lately commanded the ſaid Sir George Downing to intimate and ſignify to the ſaid States, that We expected their final Anſwer, concerning ſatisfaction to be made for the ſaid Ships and Goods by a time then preſixed and ſince elapſed, that We might ſo govern ourſelves thereupon, that Our aforeſaid Subjects might be relieved according to Right and Juſtice; And yet no ſatisfactory Anſwer hath been given, ſo that We cannot but apprehend it to be, not only a fruitleſs endeabour, but a proſtituting of Our Honour and dignity, to make further Application, after ſo many denyals and ſlightings. AND WHEREAS John Exton, Doctor of Laws, Judge of Our High Admiralty Court of England, upon Our Command, to certify to Us the value of the loſſes, and dammages ſuſteined by the ſaid William Courten and Partners, whoſe Intereſt is now veſted in Our loving Subjects, Sir Edmond Turnor Knight, and George Carew Eſquire and Partners, hath upon full Examination and proofs thereof made by witneſſes in Our High Court of Admiralty, reported and certified under his hand, that the ſame do amount to the ſumm of one hundred fifty one thouſand ſix hundred and twelve Pounds.

NOW KNOW YEE, That for a full reſtitution to be made to them for their Ships, Goods and Merchandizes, of which the ſaid William Courten, and the Aſſigns of the ſaid William Courten and Partners, were ſo deſpoiled as aforeſaid, with all ſuch Coſts and Charges, as they ſhall be at for the recovery of the ſame, We by the Advice of our Privy Councill have thought fit, and by theſe preſents do grant Licence and Authority under Our great Seal of England, unto Our ſaid Subjects Sir Edmond Turnor and George Carew, their Executors, Adminiſtrators & Aſſigns, for and on the behalf of themſelves, and other Perſons intereſſed as aforeſaid, to equipp, victuall, furniſh, and to ſet to Sea from time to time, ſuch and ſo many Ships and Pinaces as they ſhall think fit. PROVIDED always that there be an entry made and recorded in the Admiralty-Court of the Names of all Ships and Veſſels, and of their Burthen and Ammunition, and for how long time they are victualled; And alſo of the Name of the Commander thereof, before the ſame or any of them be ſet forth to Sea; And with the ſaid Ships and Pinaces by force of Arms to ſet upon, take and apprehend any of the Ships, Goods, Moneys and Merchandizes of the States Generall or any of their Subjects, inhabiting within any their Dominions or Territories, whereſoever the ſame ſhall be found, and not in any Port or Harbour in England or Ireland, unleſs it be the Ships and Goods of the Parties that did the wrong. And the ſaid Ships, Goods, Moneys and Merchandizes, being ſo taken and brought into ſome Port of Our Realms and Dominions, an Inventory thereof ſhall be taken by Authority of Our Court of Admiralty, and Judgement ſhall be given in Our Court of Admiralty by the Judge or Judges thereof, for the time being, upon proofs made before him, or them, that the ſaid Ships, Goods, Wares, Merchandizes, or Money, did belong to the States Generall, or any of their Subjects as aforeſaid. That they ſhall be lawfull prize to the ſaid Sir Edmond Turnor, and George Carew, their Executors, Adminiſtrators and Aſſigns as aforeſaid, to retain and keep in their or any of their Poſſeſſions, and to make Sale, and diſpoſe thereof in open Market or howſoever elſe, to their & every of their beſt Advantage and Benefit, in as ample manner as any time heretofore hath been accuſtomed by way of Repriſall, and to have and enjoy the „ ſame as lawfull prize, and as their own proper Goods: SO THAT NEITHER Captain, Maſter nor any of the Com- „ pany, that ſhall ſerve in his own Perſon, or ſhall promote and advance the ſaid enterpriſe in manner and form afore- „ ſaid, ſhall in any manner of wiſe be reputed or challenged for any Offender againſt any of Our Laws. And that alſo it ſhall „ be lawfull for all manner of perſons as well Our Subjects, as any other to buy the ſaid Ships, Goods and Merchandizes „ ſo taken, and apprehended by the ſaid Captains, Maſters and others, and adjudged as aforeſaid, without any dammage, „ loſs, hinderance, trouble or moleſtation, or incumbrance, to befall the ſaid Buyers, or any of them, in as ample and „ lawfull manner, as if the Ships, Goods, Wares and Merchandize, had been come and gotten by the lawfull Traffique of Merchants, or of juſt prizes in the time of open Warr. PROVIDED always, that all Ships, Goods, and Merchandize,

taken by virtue of this Our Commiſſion ſhall be kept in ſafety, and no part of them waſted, ſpoiled, or diminiſhed, or the Bulk thereof broken, untill Judgement have firſt paſt as aforeſaid, that they are the Ships and Merchandizes of the States Generall, or ſome of their Subjects as aforeſaid. And if by colour of this Our Commiſſion, there ſhall be taken any Ships, Goods, or Merchandizes of any of Our loving Subjects, or the Subjects of any Prince, or State in good League, or Amity with Us (except the States Generall) or their Subjects as aforeſaid, & the Goods therein laden, ſold & embezelled or diminiſhed, or the bulk thereof broken in any Place before they ſhall be adjudged to belong to the States Generall, or ſome of their Subjects as aforeſaid, that then this Commiſſion ſhall be of no ſufficient Authority to take the ſaid Ships, Goods, & Merchandizes, or to warrant, or ſave harmeleſs ſuch as ſhall receive, buy or intermedle therein; but that both the „ prizes ſo taken, & the ſaid Ship of War, ſhall be confiſcated to Our uſe. AND FURTHER We do hereby declare that „ it is Our will and pleaſure, that this Our Commiſſion ſhall remain in full force and power, to all intents and purpoſes, „ untill the ſaid Sir Edmond Turnor, and George Carew, their Executors, Adminiſtrators, and Aſſigns, as aforeſaid, ſhall by „ vertue thereof have by force of Arms apprehended, taken, ſeized, recovered, and received from the ſaid States Generall, or „ their Subjects, one hundred fifty one thouſand ſix hundred and twelve pounds, according to the appraiſement to be made „ by ſufficient Appraiſers upon Oath nominated and authoriſed in Our ſaid Court of Admiralty, of all ſuch Ships, Goods, „ Wares, and Merchandizes, as ſhall be taken from the ſaid States Generall, or any of their Subjects, by vertue of this „ Commiſſion, or ſhall otherwayes receive ſatisfaction of the Debt aforeſaid, by Compoſition to be made between thoſe of „ the East-India Company of the Netherlands, and the ſaid Sir Edmond Turnor, & George Carew, their Executors, Admi- „ miſtrators & Aſſigns as aforeſaid. NOTWITHSTANDING it ſo happen, the preſent difference between Us, and the States „ Generall depending upon generall Reprizalls, may be agreed and compoſed, and that in the interim a Peace and good Cor- „ reſpondence may be renewed between Us and the ſaid States Generall; In which caſe nevertheleſs, it is Our will and pleaſure, „ that in the execution of this Our Commiſſion no violence ſhall be done to the Perſons of the ſaid Subjects of the ſaid States „ Generall, but onely in caſe of reſiſtance, & that after in cold bloud, the Subjects of the ſaid States Generall, if hurt or wounded, „ ſhall be uſed with all convenient office of humanity & kindneſs. AND FURTHER Our will & pleaſure is, that although „ it ſhall happen that all hoſtility between Us, & the States Generall & Our reſpective Subjects ſhall ceaſe, yet this Our „ Commiſſion ſhall remain, & be in full force & power, to the ſaid Sir Edmond Turnor and George Carew, their Executors, „ Adminiſtrators, and Aſſigns, as aforeſaid, by vertue thereof to apprehend, take, and ſeiz by force and Arms, ſo „ many more of the ſaid Ships and Goods of the States Generall, or any of their ſaid Subjects, as beſides the ſaid ſumm before „ mentioned ſhall countervail, ſatisfy, & pay all ſuch Coſts and Charges as the ſaid Sir Edmond Turnor and George Carew, „ their Executors, Adminiſtrators, or Aſſigns as aforeſaid, ſhall from time to time make proof to have diſburſed & paid „ towards the equipping, manning, paying, furniſhing, & victualing of the ſaid Ships, ſo licenced and Authoriſed as „ aforeſaid, by this Our ſaid Commiſſion to be equipped, manned, furniſhed, and victualled by the ſaid Sir Edmond Turnor „ and George Carew, their Executors, Adminiſtrators, and Aſſigns, as aforeſaid, for the purpoſe aforeſaid. AND OUR WILL and pleaſure is, and We do hereby require Our Judge or Judges of Our High Court of Admiralty, for the time being, and all other Officers of the Admiralty, and all other Our Judge, or Judges, Officers, Miniſters, and Subjects whatſoever to be aiding and aſſiſting to the ſaid Sir Edmond Turnor, and George Carew, their Executors, Adminiſtrators, and Aſſigns as aforeſaid, in all points in the due Execution of this Our Royall Commiſſion, and to proceed to adjudications and adjudge all Ships, Merchandizes, Moneys, and Goods by vertue thereof to be taken according to our Princely intention, hereby ſignified and expreſſed, and to take care that this Our Royall Commiſſion be duly executed, and favourably interpreted and conſtrued in all reſpects, to the benefit and beſt advantage of the ſaid Sir Edmond Turnor and George Carew, their Executors, Adminiſtrators and Aſſigns, as aforeſaid. IN WITNESS whereof, We have cauſed theſe Our Letters to be made Patents. Witneſs Our ſelf at Weſtminſter the 19. day of May, in the 17. Year of Our Reign.

BY THE KING.

THe ſeverall reaſons and circumſtances, that attended this Caſe, were ſufficient grounds and conſiderations for the *King*, to intail the grant like the Laws of the *Medes* and *Perſians*, that never change.

All *Soveraign Princes*, that have peruſed this Patent (printed in ſeverall Languages) upon Mature delibe- rations, have held the clauſes & limitations therein, to be as generous as juſt, and ought to be a preſident in ſuch caſes to all future ages.

The *Earl of Clarendon*, late Lord High *Chancelor* of *England* controverted thoſe two Eſpeciall clauſes for continuance in the patent, ſeverall Months before he gave his *Fiat & recepi* for the great Seal. *Sir Robert Wyſeman*, *Sir William Turner*, *Sir Jeffery Palmer*, and others of the *Kings* councell learned in the Laws, ſufficiently ſatisfied his Lord PP, that it was both reaſonable and juſt (in this *Eſpeciall* Caſe) that the *Patent* ſhould have thoſe *Eſpeciall grants*, to be in full force and Effect, both in times of *Peace* and *Warr*, untill the parties injured and intereſſed ſhould be fully ſatisfied and repaired their debt and Dammages.

It is moſt certain that thoſe grants & Contracts, which are made repugnant to Law and reaſon, have a Nullity in them- ſelvs, as inconſiſtent to the very being of common right and property (and many times ſuch things have hapned in Treaties of Alliances between Princes & States.)

But when any difference & diſpute, (concerning *Meum & Tuum*) have paſſed the Examination of the High Court of *Admiralty*, Committees of *Paliament*, *Councell Table*, publique Miniſters abroad, and all other Offices of the greateſt truſt in the *Kingdom* at home, and even at laſt reduced to that certainty for ſatisfaction, by a ſacred and judiciall act under the great Seal of *England*, how ſuch a grant can be diſanulled without ſatisfaction, is a paradox and ſuch a preſident that cannot be found in any other age.

Eſpeciall Repriſalls are no breach of peace, being uſually granted in times of the Strickteſt Alliance & Amity between *Princes* & *States*. Wherefore it was lawfull for the *King* of Great *Britain* to eſtablish ſuch a Grant to his Subjects (in this caſe) that ſhould continue untill ſatisfaction ſhall be recovered for a Spoil and injury done to his Subjects in times of peace by the Eaſt-India Company of the *Netherlands*, who confeſſed the fact, and had by two of their own *Directors* & *Participants* (Embaſſadors in *England*) in the year 1662. concluded and agreed in a publique Treaty of *Alliance* and *Commerce*, that repa- rations ſhould be forthwith made for the ſame; But afterwards upon their delays and denyall in the performance of that and other things, the Lords and Commons in *Parliament* voted to aſſiſt his *Majeſty* with their lives and fortunes, for generall *Repriſalls* againſt the United *Netherlands*, whereupon this Patent for *Eſpeciall Repriſall* followed: Which is ſuch a publique grant (taken notice of by the contrary parties) that can onely be vacated by a *Scire Facias* when the debt ſhall be re- covered or ſatisfied by Compoſition or force, otherwiſe there would be no ſecurity in the world.

Nevertheleſs *the* States Generall *do pretend*, *they having ſubdued the* King, Lords, & Commons (*as they ſay*) *during the treaty at* Breda; *That they are Freed*, & *acquitted thereby*, *leaving the debt* & *Dammages incumbent upon the* Crown *and* Kingdom, *to give ſatisfaction to the Perſons intereſſed and injured as aforeſaid.*

It

It is neceſſary in this Appeal to make a little retroſpect into former proceedings, and give a perfect account concerning all *Mr. Courtens* Mannors, Lands, Tenements and Hereditaments granted and aſſigned unto *Sr. Edward Littleton*, as aforeſaid towards his indempnity, and payment of the debts.

IN the year 1653. Sr. Edward Littleton **by ſeveral deeds of bargain and ſale granted all his right Title and Intereſt in the Mannors of** Pyrton, Aunton, Evesham, Severne, Stoake, Over-ſwell, **and** Lower-ſwell, **and other Lands and Tenements in the Counties of** Worceſter **and** Glouceſter, **unto** George Carew, **his Heirs and Aſſignes, and to ſuch other Perſons as he directed and appointed in truſt towards ſatisfaction of the ſaid** Carew, **and other Creditors mentioned in divers Deeds declaring the ſaid truſt.**

Whereupon was diſcovered theſe incumbrances following upon the ſaid Lands: *viz.*

1. A ſettlement and entail upon Mr. Courtens Marriage with the *Earl of Bridgwaters* Daughter.
2. Several Mortgages to *Daniel Harvey*, Merchant, *Thomas Coppin* Eſqr. Sr. *William Curtius* Knight, *Giles Carter* Eſqr. *John Rushout* Merchant and others.
3. A Claim of the Commiſſioners upon the Statutes againſt Bankrupts.
4. A Claim of the Committee of *Worceſterhouſe*, for Sr. Edward Littletons delinquency.
5. *and laſtly*, Severall Extents and Seizures upon outlawries againſt Sr. *Edward Littleton* and *William Courten.*

So that after all thoſe difficulties were removed, and incumbrances conſidered under ſeverall contracts and agreements with the reſpective parties, the ſaid Mannors, Lands &c. were ſold by Mr. Carew, **ſoon after the Kings moſt happy reſtauration, to the Perſons following: viz.**

The Right and Equity of redemption in *Seavern Stoak*, and other Lands (in Mortgage to the ſaid *Daniel Harvey*) ſold unto *Thomas*, Lord *Coventry*, for	℔. 1200.
The Right and Equity of redemption in *Lower Swell* ſold unto Sr. *Robert Atkins*, Knight of the *Bath*, for	1600.
The like in *Over Swell* ſold unto Sr. *James Rushout* Baronet, for	300.
The Mannor of *Pyrton* in preſent poſſeſſion ſold to the ſaid *Thomas* Lord *Coventry*, for	7500.
The Mannor of *Evesham* with the diſſolved Monaſtery, in preſent poſſeſſion ſold to Mr. *Edward Rudge*, Merchant for	7500.
The Mannor of Aunton in preſent poſſeſſion ſold to *Thomas Foley* Eſqr. for	3600.
	21700.

In whoſe poſſeſſions the ſaid Mannors, Lands and Tenements do remain at this time, ſome of the ſaid Purchaſers having cleared the Mortgages, and other incumbrances, which exceeded much more then the purchaſe money.

And

An account how the ſaid 21700. ℔. was paid and diſpoſed to the Perſons following.

Paid unto Mr. Symon Smith *by appointment of the* Commiſſioners *upon the Statutes concerning Bankrupts in purſuance of Mr.* Carews *agreement and articles with them for their Intereſt and title in the Lands, the ſum of*	℔. 2000.
Paid unto William Courten *the Grand-child and Heir for joyning in the ſale of the Lands by fine and recovery the ſum of*	7000.
Paid uuto Mr. James Littleton *and others by Sr.* Edward Littletons *appointment the ſum of*	℔. 500.
Paid unto ſeveral Perſons for diſburſment in Law and other incident charges as by the Particulars appeared, the ſum of	1800.
Paid to Mr. George Carew *towards his debt and Dammages* - - - -	3000.
Paid to the Executors, Adminiſtrators and Aſſigns of Sr. Robert Thorold, Sr. Anthony van Dijck, Alice Walcott, Euſebius Mathews, Jeremy Elwes, William Bagott, Sr. Robert Ayton, Robert Davies *and others proportionably to their Debts the ſum of*	7400.
	21700.

All the perſonal Eſtate of Mr. Courten in England was granted and aſſigned before by the ſaid Commiſſioners to John Pettyward and Thomas Birkhead, in truſt for the Creditors, which was divided amongſt them, and yielded onely 15. Pence in the pound. Wherefore it may appear to all judicious and reaſonable men, that the Sons and Heirs of Peter Boudaen and Jacob Pergens who are ſo rich, ought to come to a fair account for Sr. William Courtens Eſtate gotten into their hands, or be required thereunto in a National way after all other means hither to uſed, have proved ſo in effectuall which hereafter is further declared.

It is to be remembred that a great quæſtion did ariſe in the caſe concerning Mr. Courtens Lands, between Mr. Carew, Mr. Courten the Grand-child, and the Commiſſioners upon the Statutes againſt Banckrupts; whereupon ſeverall ſuits were commenced many years, and at laſt was agreed by a reference unto Sr. Orlando Bridgman and Serjeant Newdigate.

The Caſe was this

William Courten Tenant in tail, Bargains and ſells his Mannors of *Pyrton*, *Aunton*, and other Lands in the Countys of *Worceſter* and *Glouceſter* in the year 1642. unto *Sr. Edward Littleton* and his Heyrs, and in the year 1643. becomes Bankrupt. The Queſtion was, whether the Eſtate-tail, that paſſed not by the Bargain and ſale, ſhould be preſerved, by the Law, for the Heyr in tail or whether the Commiſſioners Grant by force of the Statutes againſt Banckrupts (for the benefit of the Creditors) ſhould barr the Heirs of *Courten* the Bankrupt, or not.

Some Lawyers pretended that it was *Caſus Omiſſus* out of the Statutes, Others, that it was within the common intendment of the Statutes, and true meaning thereof to barr the iſſue intail; and that the Commiſſioners had the ſame power by an aſſignment to barr the Eſtate-tail as the Heir had by a Fine: however no purchaſer would deal without the Heirs concurrence, which advanced the Price ſeverall years purchaſe.

Nevertheleſs many Creditors, that fought their relief under the Commiſſion upon the Statutes againſt Bankrupts, were diſſatisfied and would not conſent thereunto, unleſs Mr. Carew would enter into Articles and covenants to proſecute Mr. Peter Boudaen, and his Heirs for an Account of the ſtock in Company with Sr. William Courten, that then might have equitable dividents thereout according to the ſaid covenants, and alſo of all other perſonall eſtate of Sr. William Courten and his Sons beyond the ſeas, whereunto the Heir was to renounce his Right and Adminiſtrations which he did accordingly.

Then the Commiſſioners in purſuance of the ſaid Articles aſſigned all their Right and Intereſt unto Mr. Carew in all the Actions and pretentions whatſoever in the United Netherlands that belonged unto Mr. Courten.

And Mr. Carew alſo by conſent and procurement of William Courten the Grand-child had letters of Adminiſtration (*de bonis non*) of Sr. William Courten with his Will annexed granted and confirmed unto him, the ſaid Carew, under Seal of the prerogative Court of Canterbury: by virtue whereof theſe following Proceſſes were inſtituted.

The

The Proceſs at the Hague.

George Carew Eſqr. Plantiff
Jacob Pergens Merchant, Defendant.

The Caſe.

Sr. *Jacob Cats*, late Penſionaris of *Holland*, became bound at *London*, according to the Cuſtome of *England* unto *Sr. William Courten Knight* by a Writing Obligatory dated the 29th. of *July*, 1631. in the pœnal ſumm of 3000. ℔. Sterling, upon condition indorſed for the payment of 2080. ℔ of the like money on the 12th. of *February* following, which was continued at Intereſt after the death of *Sr. William Courten*, who left his Son *William* ſole Executor who afterwards (being inſolvent) did by a Letter of Atturney with an Aſſignment bearing date the 31. of *October* 1643. transferr and make over the ſaid Obligation and Money thereupon unto the ſaid *Jacob Pergens* of *Amſterdam* under pretence of a debt due to him. Whereupon *Jacob Pergens* obtained a Sentence in the year 1661. for the ſaid debt and dammages, in the Provinciall Court at the *Hague* againſt *Sr. Jacob Cats* and his Heirs ſix years after the death of *William Courten* the Executor, from which Sentence they appealed to the High Court of Judicature: Then, *pendente lite*, *George Carew*, Adminiſtrator of the Goods and Chattels of *Sr. William Courten* intervened in the cauſe and exhibited his Requeſt by Bill of Complaint to the ſaid High Court ſetting forth his Right according to the Law and Cuſtome of *England*, where the debt was contracted and the Bond made, and prayed that his intereſt might be preſerved, and that the Heirs of *Cats* might be ordered to pay the money to him in right of his Adminiſtration, and that *Jacob Pergens* might be condemned to deliver up the ſaid Bond to the ſaid *Carew* uncancelled, as an effect of *Sr. William Courtens* Eſtate unadminiſtred: whereunto *Jacob Pergens* made his Exception in writing, that he was a Burger of *Amſterdam*, and ſo not lyable to be ſued in any other Court at the firſt inſtance but before his competent Judges at *Amſterdam*.

Unto which *Mr. Carew* replyed that *Mr. Pergens* was a free *Denizon* of *England*, that he had his dwelling-houſe in the *Hague*, when he was ſummoned before the Supream Court of Judicature which is the High Court of Chancery in *Holland*, *Zealand* and *Weſtfrieſland*. That all Strangers by inſtructions of that Court (in ſuch caſes of Interventions) were to be admitted at their firſt inſtance, that the Sentence in favour of *Mr. Pergens* before the Provinciall Court was erroneous: and that the High Court of Chancery was oblig'd to give Sentence according to the Rules of Juſtice and equity practiſed in *England* in matters of the like nature. And that it was the cuſtome of all Nations to give judgement upon Obligations and Contracts according to he Law of the Land where they were originally made. Yet notwithſtanding thoſe aſſertions and all other Arguments and Reaſons that were given upon pleadings; *John de Witt*, being a Kinſman of *Mr. Pergens* his Wife, the Lords pronounced the Sentence following upon the 12th. of *May*, 1663. to the great amazement of the Advocates on both ſides, in regard the Caſe hereafter was agreed by the Court and ſent into *England* for the adviſe and Opinions of the Common Lawyers, & Civil Lawyers there which was ſubſcribed by them in the preſence of *S. J. Wright* and *Joh. Daniel*, Notaries Publique. And them ſent Expreſly to the Lords at the *Hague*.

The Advice & Opinions, of the Judges, Doctors & Common Lawyers in England, *upon the Caſe aforeſaid, transmitted to the High Court of Iudicature at the* Hague.

Cajus Sempronius per Chyrographum manu ſua ſubſcriptum *Guiljelmo Courten* Equiti Aurato in ſumma duarum millium librarum atque ſeſe ad uſuras conventas Præſtandas ad Calendas Januarii longe elapſas obligatus erat: *Guiljelmus Courten*, Eques Auratus Teſtamentum condidit, in quo filium ſuum, natu maximum *Guiljelmum Courten*, Armigerum, Heredem & Executorem inſtituit, & moritur. Poſtea *Guiljelmus Courten* Filius, Hæres, & Executor inſtitutus, factus eſt Decoctor (Anglicè a Banckrupt) & prædictum nomen & Chyrographum cum totis intereſſe & uſuris *Cajo Mævio*, uni Creditorum aſſignavit & tranſportavit. Sed *Sempronius* nullam partem debiti *Cajo Mævio* ſolviſſe fertur, ſed totum manet inſolutum, & poſtea *Georgio Carew* Hæreditas jacens, & adminiſtratio de bonis non adminiſtratis cum ultima voluntate annexa prædicti *Guiljelmi Courten*, Equitis Aurati, decreto Judicis Committitur.

Quæritur 1o. *An prædictum debitum vel Chyrographum in quo* Cajus Sempronius *ſtetit obligatus per leges Angliæ* Cajo Mævio *aſſignari poſſet.*

Quæritur 2do. *An* Georgio Carew, *cui Judex Litteras adminiſtrationis de bonis non adminiſtratis & hæreditatem jacentem* Guiljelmi Courten *Equitis Aurati commiſit, prædictum debitum & Chyrographum juris debeatur.*

NOs affirmamus prædictum Debitum vel Chyrographum *Cajo Mævio* male aſſignatum, ac prædictum aſſignationem eſſe omnino inefficacem, atque inanem ad agendum; Jure Angliæ poſſet quidem *Guiljelmus Courten*, Filius & Hæres, *Cajum Mævium* procuratorem pro dicto debito ſuo nomine ad agendum conſtituiſſe, quod tamen mandatum erat revocabile & per mortem conſtituentis, nullum & irritum.

Affirmamus *Georgio Carew*, cui Judex litteras adminiſtrationis de bonis non adminiſtratis, & hæreditatem jacentem Dni. *Guilmi Courten* Equiti Aurati decrevit, prædictum debitum & Chyrographum cum totis uſuris & intereſſe jure Angliæ recte debere. *Signatum erat*

G. Swiet. — *Samuel Baldwyn.*
Guil. Mericke. — *J. Vincent.*
Tim. Baldwyn L L Dr. — *Timo. Keatlewel.*

The Sentence of the High Court of Judicature translated out of *Dutch* into *English*

George Carew q.q. Plaintiff

contra

Iacob Pergens and the Heirs of *Sr. Iacob Cats* } Defendants.

THE High Court of Judicature in *Holland* have ſeen the Proceſs and Writings exhibited between *George Carew* appointed by the Prerogative Court of *England*, Adminiſtrator of the Goods and Chattels of *Sr. William Courten Knight* deceaſed (in his life time dwelling in *London*) Complainant of the one part, and *Jacob Pergens* Directour of the *Weſt-India* Chamber Defendant on the other part. The Court having ſeen the Requeſts, Anſwers, Repliques & Dupliques reſpectively. Upon mature conſideration of the Matter, doing right out of the Name of the High Soveraignity and Earldom of *Holland*, *Zealand* & *Friesland* do admit the Exception, propounded by the Defendant, and renvoy the parties before the Defendants competent judges at *Amſterdam*, and do compenſate the coſts of the Proceſs on both ſides (for reaſons) thus pronounced on the 12th. *day of May* 1663.

In knowledge of me

J. COENEN, *Regiſter.*

Then

Then George Carew ſummoned the ſaid Jacob Pergens, before the Scherpens or Judges at Amſterdam, and concluded in his Proceſs that he ſhould be condemned to pay the Money and Intereſt, due upon the ſaid Obligation to him the ſaid Carew, as an unadminiſtred effect of Sr. William Courtens eſtate, allowing to Pergens, all his coſts and charges that he had expended about the premiſſes.

Yett nevertheleſs the ſaid High Court of Judicature did on the 14th. of October 1664. pronounce a Sentence in favour of Mr. Pergens whereby they ordered the Heirs of Sr. Jacob Cats to pay him the principall Money, Intereſt and charges which amounted unto the ſum of 4200. pound Sterling, and that Pergens ſhould deliver up the Bond to the ſaid Heirs unca'celled with a Procuration to ſue the other Obligers in the ſaid Bond.

However both parties proceeded ſeverall years together at Amſterdam by Anſwers, Replicques, Dupliques, rejoynders, and Exchanged writings, giving over deductions and advertiſments of right to the Judges in Amſterdam. Which Cauſe is yet depending there; Mr. Carew Expecting daily a Sentence in his favor from the Lords the Cauſe being ſo clear and plain to all judicious men that have made any inſpection into the ſaid proceedings. But Pergens continually obſtructs the ſame.

Here follows a Brief Narrative of the Proceſs concerning the accounts of the Company.

GEorge Carew in his quality as Adminiſtrator of Sr. William Courten having given procuration at the Hague in the Month of July 1662. to Mr. James Boevé, to queſtion the ſaid Peter Boudaen concerning the ſaid accounts, and to recover of him and his Heirs or any other perſons whatſoever, the unadminiſtred Effects of Sr. William Courten, in the United Netherlands, whereupon James Boevé in the ſaid Month of July addreſſed himſelf to the ſaid Boudaen at Middleburgh in a freindly manner to ſettle the ſaid accounts, who refuſed to compline therein upon any terms.

Then James Boevé ſent Mr. Deutrelaw a Publique Notary, to inſinuate his quality under Mr. Carew by an authentique Act, and required a view of the Companies Books kept by Sr. Peter Courten, proteſting for all Coſts and Dammages &c. Whereunto the ſaid Peter Boudaen onely anſwered that he did hear and ſee (as all Litigious perſons in ſuch caſes do) and deſired a Copie of the ſaid Inſinuation and Proteſt, which was given him on the 2. of Auguſt 1662. accordingly.

James Boevé then cauſed the ſaid Boudaen to be ſummoned before the Burgermaſters and Schepens of Middleburgh: ſo this Proceſs hereafter was commenced on 6. of Septemb. 1662. which is tranſlated out of Low-dutch into English.

The Proceſs at Middleburgh.

James Boevé *q. q. Plantiff.*

contra

Peter Boudaen Courten *Defi.*

James Boevé impowred by Procuration from *George Carew Eſqr.* being appointed by the Prerogative-Court of *England* Adminiſtrator of all the Goods and Chattels unadminiſtred of *Sr. William Courten*, *Knight*, late of the Parish of *St. Gabriel Fanchurch* in *London*, in that quality, *Plaintiff*, againſt *Peter Boudaen Courten*, Heir & Executor unto *Sr. Peter Courten*, *Knight*, for that the ſaid *William Courten*, and *Pieter Courten*, and *John Money* did trade in partner-ſhip, as by the Books, Accounts, and other Papers appertaining to the ſaid partner-ſhip, which are in the poſſeſſion of the *Defendant*, appears, that he ſhould be condemned to Conſign or depoſite all the ſaid Books, Accounts, and other Writings in the Secretarys Office in this City, there to be inſpected, with egreſs and regreſs thereunto, and to form an account thereout, at the Generall Charge, and in Caſe of debate, demands Coſts of the Proceſs, as alſo for hindrance, Coſts, Dammages, and Intereſt ſuffered already, and yet to ſuffer, as by the proteſt.

Whereupon *Abraham Smith*, Proctor for *Peter Boudaen*, inſiſted upon Caution for Coſts of the Proceſs.

Then Mr. Boevé did on the 21. of October 1662. paſs an authentique Act for Caution in preſence of his Proctor John Rymsdike, whereby he bound himſelf and his Eſtate both reall and perſonall (according to the cuſtome of the Countrey in caſes of debt) to be liable unto all Coſts and Expences, that the Court ſhould award or condemn Carew the principall Demandant to ſatisfie.

Extract out of the ordinary Roll of the Citie of Middleburgh *in* Zealand.

The Proctor *John Rymsdike* calls for acceptance of the caution on behalf of the plantiff.
The Proctor *Abraham Smith* does the like for the Defendant.

The *Burgermaſters & Scheepens* do order that other caution ſhall be given. Actum 8. of November 1662.

Signed Ad. V. Brandehooghen, *in abſence of the* Secretary.

Herein

Herein appears the greatest Act of injuſtice that ever was offered to any Stranger in the like Caſe. Although it is well known to all perſons that underſtand the Laws of England, and the Laws of Nations; That Executors and Adminiſtrators are not Subject to Coſts in ſuits of Law & therefore not Liable to give Bail or Caution: Yet Mr. Boevé being deſirous to remove all queſtions and Scruples that might arise to delay the Proceſs did paſs an act of Caution for Coſts who was not only an Inhabitant of the Citie but a Burger of Middleburgh, that had his own dwelling houſe there wherein he was ſeiſed in fee to him and his Heirs. Beſides Boudaen had many thouſand pounds of his in Cuſtody at the ſame time, and more over Boudaen was known by many of the Magiſtrates to be indebted to Sr. William Courten for vaſt ſumms of Money, yet they ordered Boevé to find other ſecurity that were Burgers of the Citie that had faſt Goods there: knowing that Boudaen being a Kiesheer of Middleburgh (that is one that choſeth the Magiſtrates) a Director of the East-India Company and an Elder of the English Church, no Citizen would ingage as caution againſt him, who had ſuch an influence upon the Burgers. So the cauſe reſted *in ſtatu quo*. And the warrs with Holland coming on, Boudaen died before Mr. Carew made any further proſecution therein.

In the year 1670. the Creditors of Sr. William Courten hearing that Peter Boudaen had left 90000. pounds Sterling (that is nine ton of Gold as they call it in the Netherlands) amongſt his Sons and Daughters, Mr. Carew was importuned to ſend a generall procuration to Mr. Mark Fletcher of Middleburgh Merchant, to revive the Proceſs againſt the Heirs of Boudaen, and to proſecute the actions depending againſt Jacob Pergens their confederate, for ſeverall great ſumms of Money that he had gotten into his hands from the East-India Company and the Heirs of Sr. Jacob Cats, upon pretended debts due to him and colourable aſſignations from Mr. Courten. But in regard Mr. Fletcher was a Burger of Middleburgh, & had ſome dealings with Boudaens and their Freinds, he refuſed at that time to proceed any otherways then by Freindly perſwations which could not prevail upon them.

In the year 1671. Upon new inſtances and complaints of the Creditors to the King and Councell, his Majeſty was moſt graciouſly pleaſed to ſend theſe Letters following to the States Generall and Sr. George Downing his Ambaſſador then in the Hague.

A Copie of the Letter from the *King* of *Great Britain* to the *States Generall.* Ao. 1671.

HIgh and Mighty Lords our good Friends, Allies, and Confederates, We are conſtrained by the many Complaints made unto us from our loving Subjects (Members of our Houſe of Commons in Parliament) Creditors of Sr. *William Courten* and Sr. *Paul Pyndar* Knts. deceaſed to ſignifie unto you that ſeveral Effects of their Eſtates do remain in the hands of Mr. *Jacob Pergens*, Mr. *Peter Boudaen*, Sr. *Jacob Cats* and their Heirs Executors or Aſſigns Subjects of the *United Netherlands*, who do unjuſtly detain the ſame from the Complainants, contrary to Common Right; And more particularly we are informed by new inſtance made unto us by the Intereſſed, that three ſeverall ſuits have been depending at Law in *Middleburgh*, *Amſterdam*, and the *Hague* for divers years together, to the great grievance and expence of the Creditors and Adminiſtrators of Sr. *William Courten* and Sr. *Paul Pyndar*, where they can finde no relief. And the Defendants do aggravate the Injuries done to our Subjects by ſiniſter ways and means in cauſing Mr. *James Boeve* the Complainants Agent to be impriſoned and there maintain him purpoſely to obſtruct and delay the Demandants proceedings: We cannot therefore conceal the reſentments that We make of thoſe indirect dealings, more eſpecially ſince it reflects upon our Honour that the Laws of *England* are not permitted to take place in your ordinary Courts of Judicature upon *Engliſh* Contracts, which (for the preſervation of Commerce and mutual Society) is practiſed in all Nations of the World: Wee have given an order to Sr. *George Downing* our Embaſſador to let you underſtand the particular inſtances with the circumſtances thereof; that ſpeedy and intire ſatisfaction may be given anſwerable to the Rules of Juſtice: which we hold our ſelf obliged to Require. &c.

Written from our Court at White-Hall, *January* 26th 1671.
in the 24th *year of our Raign.*

Your good Friend

C. R.

A Copie

A Copie of the *Kings* Letter to *Sr. George Downing*, his *Majesties* Embassador at the *Hague*. A°. 1671.

C. R.

TRusty and well-beloved, you will herewith receive our Letter to the States Generall, *and for your better Instructions in the contents thereof, We have sent you a Copy of the humble Petition of our loving Subjects, concerning the same, which we will that upon the delivery of our said Letters you fully represent in our name to the said* States, *with the particular grievances contained in the said Petition together with the sence we more especially have so long laid under. And that for civil Actions, depending at Law, in the ordinary Courts of Judicature, in the Provinces of* Holland *and* Zealand, *being for matters not comprehended in the Treaty at* Breda; *We do expect your best care and diligence herein with a speedy account thereof, and so we bid you heartily farewell. Given at our Court at* White-Hall, 29th *January*, 1671.

By his Maties Command

J. Trevor.

But in regard Sr. George Downing could not get any answer to his Memoriall concerning the Flagg, the States Generall pretending they would give satisfaction, if all other pretences were brought in to be together treated on; Sr. George Downing protesting to have Express order to treat of nothing, before satisfaction was made about the Flagg; and the States declining it, he returned for London, re infecta, and a Declaration of warr soon after was published in England.

Nevertheless, the Creditors of Sr. William Courten, and his Son, as also of Sr. Paul Pyndar and Sr. Edward Littleton and diverse other Proprietors and interessed persons did not forbear their further addresses to the King and Councill concerning the premisses, the severall proceedings whereof are mentioned in the three following pages.

Mr. Torriano, Mr. Warren, Mr. Westcomb, and other Merchants of London made their Complaints and Addresses also to the King, to recommend their grievances against the West-India Company of the Netherlands, who pretend to be as great Soveraigns, as the Members of the Dutch East-India Company: That dares spoil their neighbours if they trade with their Enemies, & Confiscate their Goods for trading with their Friends. So that no Nation can be safe or secure against those Animals, who make warr & Peace with the Natives at Pleasure: And are now upon setling a Colony to plant themselvs in the Mayn Land of America in the best air neer unto Convenient Rivers and Havens, fit for Trade and Commerce, to prejudice the English Plantations: Their Governour Mr. Price, late English Minister at the Hague, being a better Soldier then a preacher and more skilled in Merchandizing, then other Studies, having dwelt many years in Braziel under the Government of the said West-India Company, Endeavours to settle a new Commonwealth in America, under the States of Holland. That will flourish in a short time fare beyond New England, if they be not cropt in the bud: but more of this hereafter in the third part of this Book, wherein are recited the States propositions to all Planters, and the Abstract of the West-India Companies New Charter from the States General.

Observations Remarkable.

THe *King* of *Great Britain* that holds his *Kingdoms* onely of God Almighty, without the least dependency of any Potentate whatsoever, may by the Municipall Laws of *England*, hinder any of his Subjects (born under his Dominions) to depart his Realms to become Subjects to any other Prince or State in the world.

Great Britain being an *Island* planted in the Midst of the Ocean is envied by Some, feared by Others, yet Liable to invasion by their Neighbours.

The Laws of Nature, and the dictates of reason, and Common Policie, oblige all Men to defend the Land of their Nativity, and the Heritage of their Fathers.

The *King* of *England* as Common Parent of the Country, that hath promised to protect his Subjects, maintain the Laws, and preserve their properties, would lessen both his power and Prerogative, by the loss of diverse Subjects and their Families, *English*, *Scotch*, & *Irish*, (intended to be transplanted to *America* by the *West-India Company* and their Confederates) when they shall become both Strangers and Enemies being seduced to swear *Alegiance* and fealty to the *States* of *Holland*, and the *West-India Company*, who are now upon a Treaty with the *Zealand* Proprietors for the purchase of *Syrinam*, to greaten themselvs against any other quarter of the universe.

The Order of Reference from the *King* and *Councill.*

At the Court *of* Whitehall, *the* 22th. *of* March 167¼.

Preſent

The *Kings* moſt Excellent *Majeſty.*

His Royall Highneſs the Duke of York.	*Earl of Lauderdail.*
His Highneſs Prince Rupert.	*Earl of Carbery.*
Lord Keeper.	*Lord Bp. of London.*
Duke of Buckingham.	*Lord Arlington.*
Duke of Monmouth.	*Lord Newport.*
Earl of Oſſory.	*Lord Holles.*
Earl of Bridgewater.	*Lord Aſhley.*
Earl of Sandwich.	*Mr. Treaſurer.*
Earl of Bathe.	*Mr. Vice Chamberlain.*
Earl of Craven.	*Sr. John Duncombe.* Maſter of the Ordnance.

UPon reading this day at the Board the humble Petition of *Thomas Kynaſton, George Townſend* Merchants *George Porter* Eſqr. & others, Firſt Adventurers in the joynt ſtock with *Sr. William Courten* to the *Eaſt-Indies*, of *Sr. Richard Mauleverer* Knt. & Baront. *Sr. John Ayton* Knt. *George Carew* Eſqr. & ſeverall others, Creditors of *Sr. William Courten*, *Wm. Courten* his Son, *Sr. Edward Littleton*, & *Sr. Paul Pyndar* Knts. deceaſed, and of *Nicholas Warren, Richard Weſcomb*, & *George Toriano* Merchants, ſetting forth the many great Loſſes & Dammages they have ſuffered by the Subjects of the United Netherlands in times of Peace, Some by violence in ſeizing the *Petitioners* Ships & Goods in their trading-Voyages; Others by unjuſt detention of the *Petitioners* Money and Goods gotten into their hands by Commerce and civill Contracts, for all which the *Petitioners* are left without remedy or relief, but by his *Majeſties* Prerogative Royall & gracious Protection, which the *Petitioners* moſt humbly prayed his *Majeſty* would be pleaſed to grant unto them, and to require ſatisfaction & Reparation to be given to the *Petitioners* by the *States Generall* and their Subjects anſwerable to the ſeverall & reſpective Dammages ſuſteined by the *Petitioners*. And that for the future a ſummary courſe may be taken for ſpeedy deciſion of all civill Actions & Differences between his *Majeſties* Subjects & the Subjects of the *States Generall* by neutrall Perſons, to the end Right may be done them in the United Netherlands: It was Ordered by his *Majeſty* in *Councill*, that it be, & it is hereby referred to the Rt. Honoble the Lord *Arlington*, the Lord *Aſhley*, *Mr. Treaſurer*, *Mr. Secretary Trevor*, & *Sr. John Duncomb*, or to any three of them, to conſider of the *Petitioners* ſeverall & reſpective Caſes (a true State whereof they are to preſent unto their Lops.) and what ſatisfaction their Lops. ſhall conceive requiſite for his *Majeſty* to inſiſt upon, (when it ſhall be ſeaſonable) for the ſaid Loſſes & Dammages. And the ſame to report to his *Majeſty*, that order may then be taken therein accordingly.

John Nicholas.

The

The Report of the Lords Refferees to the King *purſuant to the Order of the Councill table.*

May it pleaſe your *Majeſty*,

IN obedience to an Order made by your Majeſty in Council the 22th. of March 167½. whereby it was referred to us to conſider of the ſeverall Caſes of Thomas Kynaſton, George Townesend Merchants, George Porter Eſqr. and others, firſt Adventurers with Sr. William Courten Knt. deceaſed, to the Eaſt-Indies, and of Sr. Richard Mauleverer Knt. and Baront., Sr. John Ayton Knt. and others Creditors of the ſaid Sr. William Courten and William Courten Eſqr. his Son, Sr. Edward Littleton and Sr. Paul Pyndar Knts. deceaſed; and what ſatisfaction we ſhould conceive requiſite for your Majeſty to inſiſt on (when it ſhould be reaſonable) for their Loſſes and Dammages; and the ſame to report to your Majeſty, that Order might then be taken therein accordingly.

We therefore humbly repreſent to your Majeſty, that as to the Caſe of the Adventurers with, and Creditors of Sr. William Courten and his Son, we find that two of their Ships (the Bona Eſperanza, & Henry Bonadventure) were in a trading Voyage, betweeen Goa and Maccao violently ſeized, by the Dutch; The loſs and Dammages of which Ships and their lading, and the Conſequences thereof to their ſeverall Factories, and Plantations ſettled in China, India, & Japan, by Diſappointment of Supplies and loſs of Trade, amounting to one hundred fifty one thouſand ſix hundred & twelve pounds Sterling; as it appears ratified, and reduced by your Majeſty under your great Seal of England, in the year 1665. whereby it was granted, and declared, that the ſaid Dammages ſhould be repriſed in all times of Peace, or Warr, untill the ſame Debt ſhould be ſatisfied, or a Compoſure made between the ſaid Sr. William Courten his Aſſigns, and all Perſons intereſted and concerned with him and the Eaſt-India Company of the Netherlands.

Wee further humbly repreſent unto your Majeſty, that in all Treaties & Revolutions of times, the Dammages aforeſaid were particularly inſiſted on for ſatisfaction.

We further humbly repreſent unto your Majeſty, that in the ſame Order of Council, there is alſo referred unto us the Conſideration of Nicholas Warren, Richard Weſtcombe, and George Torriano Merchants, who were Owners of the Ship and Goods, Ann & Margaret, of which Charles Saunders was Maſter; which in the year 1658. were laden with Hydes, Bees Wax, and ſeverall other Goods and Merchandizes, and in her Paſſage between Tunis & Leghorne whither she was bound, was ſet upon by a Dutch Ship called the Gelderland, John Jacobſon Commander, ſeverall of her Men wounded, the Maſter killed, and the Ship and lading taken and carried away: Which ſaid Ship and lading, with the loſs of her Voyage and Dammages ſuſteined was adjudged by the Admiralty at thirteen thouſand pounds.

We further alſo humbly repreſent to your Majeſty, that by the Treaty at Breda Anno 1667. all Reparations are extinguiſhed and cut off: Yet ſince that time the States Generall of the Netherlands have not onely been refractory in the performance of any Agreement concluded on, but alſo have committed many violences and Depredations, whereby they have wholly cancelled the Obligations of all paſt Treaties & Agreements, and left your Majeſty and your Subjects as free in all Juſtice, and Equity, as if they never had been made.

And therefore we humbly preſume to report our Opinions to your Majeſty, that it is now but juſt and ſeaſonable for your Majeſty to inſiſt on Reparations for your ſaid injured Subjects for the loſſes and Dammages aforeſaid.

All which we humbly ſubmit to your *Majeſties* greater Prudence.

29 June 1672.

Shaftesbury.
Clifford.
I. Duncombe.

The

The *Kings* Letter to the *Duke* of *Buckingham*, and the *Earl* of *Arlington*, in purſuance of the Report.

The Superſcription

To our Right Truſty & entirely beloved and to our Right Truſty and welbeloved Couſins and Councellors and Ambaſſadors Extraordinary and Plenipotentiaries to treat with our good Brother the moſt Chriſtian King, *and the* States *of the United* Netherlands.

Charles R.

RIght Truſty and entirely beloved,& Right Truſty and welbeloved Couſins and Councellors we greet you well. Whereas we thought fit to refer the conſideration of the ſeverall Caſes of *Thomas Kynaſton*, *George Townſend* Merchants, *George Porter* Eſq^r. and others, firſt Adventurers with *S^r. William Courten* Knight deceaſed to the *Eaſt-Indies*, and of *S^r. Richard Mauleverer* Knight & Baronet, *S^r. John Ayton* Knight and other Creditors of the ſaid *S^r. William Courten*, and *William Courten* Eſq^r. his Son, *S^r. Edward Littleton* and *S^r. Paul Pyndar* Knights deceaſed,and alſo of *Nicholas Warren*, *Richard Weſtcombe* and *George Torriano* Merchants, to ſome of the Lords of our Privy Councill, and they having reported their Opinions to us, that it is now but juſt and ſeaſonable for us to inſiſt on reparations for our ſaid injured Subjects for the loſſes and Dammages they have ſuſtained from the *States Generall* of the *United Provinces* and their Subjects: We have thought fit in purſuance thereof, and upon the humble ſuit of the perſons intereſſed to recommend their ſaid Caſes to you in the moſt effectuall manner, that in any Treaty, or Treaties, which may happen to be made with the *States Generall* of the *United Provinces*, ſuch proviſion may be made for their ſatisfaction, as you Judge convenient, & may conſiſt with the State of affairs between us, & as is ſuitable to the Juſtice of their Caſes, and our care to Protect our Subjects in their juſt rights, as well as aſſiſt them in the recovery of them. And ſo We bid you heartily Farewell. Given at our Court at *Whitehall* the 7th. day of July 1672.

By his Majeſties *Command*

CLIFFORD.

IN purſuance whereof Mr. Carew, being deſired by all parties to go Embaſſy for Holland, with his Majeſties Letter and the other Writings & Papers concerning the ſaid claims, he procured a Paſſport from the Commiſſioners of the States Generall then at Hampton Court for himſelf and his ſervants to travel through the United Provinces, which he did accordingly: but in regard the Treaty at Utrecht did not take any effect, Mr. Carew, and Mr. John Sherland, in Company with him, returned to the Hague, to adviſe with Advocates and Proctors that had ſerved the ſaid Carew and Mr. Boevé in their Proceſs at Law; Where they were apprehended as enemies to the Countrey on the 6. of Auguſt 1672. Old ſtile, (their Baggage, Papers, and Writings taken from them) and by order of the States of Holland kept cloſe Priſoners for the ſpace of twenty Months. A Brief relation whereof appears in Mr. Carews Advertiſment, and Proteſt, at the end of this Book. In the Mean time all English men may remember, that at the inſtance of the Spaniard, and other addreſſes made to the King on the behalf of the United States, a peace was haſtily concluded with the Hollanders, and no ſatisfaction given or conſideration taken of the Bona Eſperanza, or for the Henry Bona Adventura. Notwithſtanding all the proceedings aforeſaid, and thoſe opportunities of advantage, that Great Britain had then in their hands.

Many of the Creditors, and other Perſons intereſſed being ſurpriſed at this ſuddain concluſion of the Treaty at London with the Spaniſh Embaſſador upon the States Procuration. While the Lords Plenipotentiaries were upon conſultations about the ſame Matters at Cologne.

The ſaid Creditors and Proprietors forthwith cauſed this following requeſt to be Exhibited to his Majeſty at London in Mr. Carews name, and printed ſeverall Copies thereof which they delivered unto diverſe Lords and Commons in Parliament.

To the *Kings* moſt Excellent *Majeſty*.

The humble petition of George Carew Eſqr. *Adminiſtrator of the Goods and Chattels of* Sr. William Courten *and* Sr. Paul Pyndar *Knights deceaſed. Aſſignee of* Sr. Edward Littleton *Baronet, & the Commiſſioners concerning* Mr. Courtens *Eſtate, on the behalf of himſelf, and ſeveral others, Proprietors and Creditors, your* Majeſties *good Subjects of* England.

Sheweth,

THat the *Eaſt-India Company* of the *Netherlands* did in the year 1643. take the two Ships *Bona Eſperanza* and *Henry Bona Adventura* of *London* with all their Goods and Merchandize, upon trading Voyages in the *Eaſt-Indies*; and alſo all the Books, Contracts, Writings, Bills of Lading and other Papers concerning the ſame, contrary to Juſtice and Common right, which proved to the Dammages of your Petitioner and other Proprietors *one hundred & fifty thouſand pounds Sterling* & upwards, as by the ſeverall Depoſitions, Examinations and Reports of the Judge of the High Court of Admiralty, and your *Majeſties* Advocates General appears.

That in proſecution of Juſtice and reparation, your *Majeſty* was moſt graciouſly pleaſed particularly to own the ſaid Cauſe, in a more Eſpeciall manner in the Treaty Anno 1662. then all other Dammages of that nature, to your Subjects, in regard of the many ſervices and Sufferings of Sr. *William Courten*, Sr. *Paul Pyndar* and other intereſſed, that had lent ſeverall great ſums of Money to his late *Majeſty* your *Father* (of ever bleſſed Memory) at uſuall intereſt, towards the ordinary Charge of the *Crown*, before the year 1640. which remains yet unſatisfied; although moſt part of thoſe Moneys (belonging to Orphans and Widows) was taken up upon the Credit of the ſaid *Courten* and *Pyndar*.

That during the late warr Anno 1672. Your *Majeſty* moſt graciouſly appeared again concerning the Dammages of the ſaid Ships, holding your ſelf obliged in Juſtice and Honour to get ſatisfaction from the principal, Offenders for the ſame. As appears by the orders of the *Council Table*, & Reports of the Commitee of *Lords*, intimating the Merits of the ſaid Cauſe to your *Majeſty* accordingly.

That notwithſtanding all the orders, proceedings and eſpeciall grants, under the great Seal of *England* concerning the ſaid Ships, Goods, and Fraights, the *Hollanders* do ſtill pretend, they are not obliged to give any ſatisfaction for the ſame, being made a debt incumbent upon the *Crown* by the laſt Treaty at *London*, whereby *eight hundred thouſand Pattacons* are to be paid unto your *Majeſty* by the *States Generall*, at four equall payments, for which the *Crown of Spain* ſtands obliged that they ſhall be paid accordingly.

Your Petitioner therefore moſt humbly prayeth, that your Majeſty *would be moſt graciously pleaſed to aſſigu ſome part and proportions of the ſaid Money, payable to your* Majeſty *by the* States *unto your Petitioner, in ſatisfaction of the ſaid Dammages and Loſſes concerning the ſaid Ships as aforeſaid, or to grant him ſome aſſignment otherways in lieu thereof; Or at leaſt, upon the* States & Spaniards *non performance. Permit your Petitioner with the other Proprietors and Creditors to reprize their ſatisfaction by the natural force of your* Majeſties *Letters Patents, granted for that purpoſe.*

And your Petitioner ſhall ever pray &c.

But what Reference and Report was made thereupon, or what ſatisfaction was promiſed, is left to the information of thoſe who were the Perſons that ſollicited in that affair.

In the Month of May 1674. Mr. George Carew, being diſcharged of his impriſonment at the Hague, went from thence to Middleburgh where he firſt applied himſelf to John, Peter and Henry Boudaen in a freindly manner, and deſired them to ſettle the accounts of the Company, who ſtill denied the ſame.

Then Mr. Carew in the Month of June following ſent a Publique Notary to them, who inſinuated Carews quality, with the former proceedings of Mr. Boevé, and proteſted for all Dammages and Coſts in Caſe of any further debate or delays; unto which the ſaid Boudaens did anſwer onely as their Father had done (viz) that they did hear and ſee; and deſired a Copie of the inſinuation and proteſt, which Mr. John Duyvelaer, the Publique Notary gave them on the 18. of June 1674. accordingly.

Soon after Mr. Carew ſummoned all the Sons and Daughters of Peter Boudaen deceaſed, before the Burgermaſters and Scheepens at Middleburgh, and revived the former proceedings as follow:

The Proceſs begun Anno 1662. *revived at Middleburgh, Anno* 1674. *and tranſlated out of the Low-dutch into English.*

Extract out of the Ordinarie Roll of the Citie of Middleburgh *in* Zealand.

George Carew, Eſqr. appointed by the Prerogative Court of *England*, Adminiſtrator of all the goods unadminiſtred of Sr. *William Courten* Knight, late of the parish of Sr. *Gabriel Fanchurch* in *London*, in which quality approving the proceedings acted by *James Boevé*, by vertue of procuration from him *George Carew* Plaintiff, againſt *John*, *Peter*, & Mr. *Henry Boudaen*, and *Abraham Biſchop*, the husband of *Catharin Boudaen*, all of them dwelling within this City, Item Mr. *Walter Boudaen*, Miniſter of Gods Word in *Amſterdam*, as alſo *Dame Conſtance Boudaen*, dwelling alſo in *Amſterdam*, all of them Children and Heirs of *Peter Boudaen Courten* their Father, who was Heir unto Sr. *Peter Courten* Knight, in that quality Defendants, to be condemned to accept the proceedings of the aforeſaid Proceſs, and to that end to appoint their *Proctor* Acceptant, and accordingly to proceed with the *Plaintiff* purſuant to the laſt Act, *cum expenſis*, in caſe of Debate.

Abraham Smith, for *John*, *Peter*, and *Henry Boudaen*, as alſo for *Abraham Biſchop*, deſireth day, reſerving his Exceptions and Defence.

Fiat upon debarr, and authoriſed to cite the other Defendants by letter to be delivered by the Merchants Bode (or Meſſenger) within eight days after the receipt.

Extract out of the Ordinarie Roll of the City of Middleburgh in Zealand.

George Carew, qualitate quâ *Plaintiff*,
John Boudaen, cum ſuis *Defendants*. Fol. 136.

Abraham Smith, propounds his Exception *in Scriptis*.

Abraham Smith, Proctor, denieth that the Plaintiff hath the quality which he aſcribed unto himſelf in this Proceſs, and therefore propounds his Exception of Non-quality, and concludes, for admittance thereof, and abſolution of his Inſtance with coſts.

Iohn van Rijmsdijck, Proctor, for the Plaintiff deſireth day this 26th *September*. 1674.

Extract out of the Ordinarie Roll in this City of Middleburgh *in* Zealand.

George Carew, qualitate quâ *Plaintiff*,
John Boudaen cum ſuis *Defendants*.

BUrgermaſters and Schepens, before they determine the propounded Exception, do order the plaintiff to exhibit and deliver an Authentick Extract out of the Regiſter of the Prerogative-Court of *Canterbury*, whereby it may appear, that *William Courten* the Grand-child of Sr. *William Courten* Knight, did on the 15. of *June* 1664. appear within the ſaid Court, and did voluntarily acknowledge, and confeſs, that the Letters of Adminiſtration of all the Goods, Actions, and Credits, which belonged unto the ſaid Sr. *William Courten* Knight, unadminiſtred, were lawfully granted unto the plaintiff *George Carew*, after due knowledge and examination of the matter, and that the Judge of the Prerogative-Court had ratified and confirmed the ſame, and that the ſaid *George Carew* hath thereby full power and authority, to ask, levie, and receive all and everie the goods of the ſaid Sr. *William Courten*, as alſo to ſue for all and everie of the ſame, to the end the matter in diſpute may be determined in ſuch ſort as ſhall be thought fit.

Actum the 20. of *February*, 1675. In abſence of the Secretarie, ſigned by *Johan Pieter van de Brande*, junior Scheepen.

Ex-

Extract out of the Ordinarie Roll of the City of Middleburgh *in* Zealand.

George Carew, qualitate quâ *Plaintiff*,
John and *Peter Boudaen*, cum ſuis *Defendents*.

Smith *the Proctor deſireth Prolongation of* 14. *days.*
Rymsdijck *that his deſire ſhould be denied.*
The Commiſſaries grant 14. *days without further delay, the* 19. *of Iune* 1675.
In the abſence of the Secretary, ſigned by Johan Pieter van de Brande.

Extract out of the Ordinarie Roll of the City of Middleburgh.

George Carew, qualitate quâ *Plaintiff*,
John and *Peter Boudaen*, cum ſuis *Defendants*. *Fol.* 136.

Abraham Smith, Proctor for the Defendants and Excipients, having ſeen the Acts which are produced, (according to the Order and Appointment of this Honble Court, dated the 20. *February* laſt) by the plaintiff, ſaith, that although thereby it might appear, that the quality of the Plaintiff which he aſcribes unto himſelf as Adminiſtrator of the pretended unadminiſtred goods of Sr. *William Courten* the *Elder*, were ſufficient, that nevertheleſs the Plaintiff cannot commence any ſuit by or from the name of *William Courten* the *Elder*, for that *William Courten* the *Yonger* his Son Heir and Executor of the Eſtate of *William Courten* the *Elder*, adminiſtred the Eſtate many years, and the ſaid Eſtate of *William Courten* the *Elder* (*additione hereditatis*) is deſcended on the ſaid *William Courten* the *Yonger* his Son; by whom onely the Cauſe ought to be proſecuted. Wherefore under Benefice of the ſaid means, *and others to be deduced in this Proceſs in time (if requiſite) Concludes for abſolution of this inſtance.* Cum Expenſis.

Rymsdijck the Proctor doth debate the means alledged by Exception, as frivolous and impertinent, Concludes that the propounded Exception ſhall be rejected, and that the Excipients ſhall be ordred *ilico*, to anſwer to the principall demand.
Abraham Smith perſiſteth by replycque.
Rymsdijck by duplycque. Actum the 5th. of *July* 1675. and was ſigned
Jacobus Peckius Junior, Secretarius.

Then ſeverall of the Perſons intereſſed in England, hearing that ſuch impertinent and veratious exceptions were brought in from time to time, contrary to the practiſe of all Nations, they procured a Letter of Recommendation from the Lord Major and Aldermen of London, to the Magiſtrats of Middleburgh, dated 13. of Septemb. 1675. deſiring that thoſe Fribolous Exceptions might be rejected, and Juſtice adminiſtred with all Expedition according to the Merits of the Cauſe.

Whereupon the Lords ordered that Deductions of the Proceſs and Pleadings with Advertiſments of right on both ſides might be given unto the Penſionaris or Recorder Vander Helm, to report his opinion thereupon, to the whole College or Court; and in purſuance thereof, this following Sentence was pronounced accordingly.

George Carew q. q. Plaintiff
Peter Boudaen cum ſuis Defendants.

The *Burgermaſters* and *Schepens* doing right, do reject the propounded Exception, and order the Defendants to anſwer unto the principall Demand, and ſuſpend ſtating of Coſts untill the end of the Proceſs. *Actum the* 26. *of Novemb.* 1675.

From which Sentence, the Boudaens Appealed to the Hague onely to gain 40. daps longer delay, and veration; Then publiſhed in print a moſt ſcandalous Requeſt, and a Book throughout the Provinces of Holland and Zealand, againſt Mr. Boevé and Mr. Carews proceedings.

Whereunto an anſwer being alſo printed by Boevé and Carew, the ſaid Boudaens and their Confederates cauſed the Englebrechs the Scout of Amſterdam, where they were printed to ſeiz upon many of the Books, having before gotten an order from the Magiſtrates of Middleburgh that they ſhould not be printed or publiſhed in that place.

The 40. daps being expired; The Boudaens notwithſtanding the Sentence aforeſaid, were permitted to propound more impertinencies in Writing, and anſwered under the benefit of their peremptory Exception, as alſo of Preſcription unto which Carew replyed; then they brought in ſeverall things by way of Reconvention & Defalcation, and Exhibited diverſe Copies of bonds, and papers in the Month of February 1676. New Stile, (but depoſited none of the Books of account, according to the Demand in the Proceſs) whereof Carew could not get any authentique Copies to inſtruct his Advocates for pleading; yet they moved the Court in the Month of Septemb. following, that the Cauſe might be pleaded while Mr. Carew was attending his Proceſs againſt Mr. Pergens at Amſterdam which was brought on before Commiſſioners to examine the pieces and report their Opinions to the Lords for their finall Sentence and Determination. But of the Conſequences in both Cauſes, before the Magiſtrates of Amſterdam and Middleburgh, particular accounts ſhall be given in the ſaid Advertiſment and Proteſt hereafter made by Mr. Carew. Now follows the Second Part of this Book concerning Treaties of Common Amity, Alliance and Commerce, between Kings, Princes and States.

To

To the impartiall Readers.

Gentlemen.

IT was generally obſerved in the days of Queen Elizabeth, that her Majeſtie in all transactions at home and abroad, gave it in Charge to her Councill, that they should have a care of her Honour. In all Leagues or Treaties of Alliance and Commerce, the benefits of either ſide should be reciprocall: but no Nation in the World have been ſo induſtrious of late to undo themſelvs as the English; VVhoſe Lands & rents are reduced, their ſtaple Goods and Manufactures undervalued, their Gold and Silver waſted their trade & Commerce undermined, their Laws & Cuſtoms contemned & Violated. And being Cheated of their Moneys & Merchandizes by their Neighbours in ordinary traffick, many of his Majeſties good Subjects, are made contemptible & pore in the midſt of peace and plenty.

In all regulations of trade, and Treaties Marine, both parties should have their reſpective Conſiderations of advantage; Yet certainly many miſtakes have been committed in ſeverall ages and revolutions of State in publique Contracts upon the English account, wherein the Honour and intereſt of the King and Kingdom were mutually concerned, which might be regained, moſt gloriously upon good opertunities. If all English-men had publick ſpirits, and none would, be ſo treacherous under a truſt, to preferr their own particular profit, before any nationall concernments.

The Hollanders upon all occaſions of difference and diſpute with England, doe fly for refuge to the treaty made between King Henry the VII. and Philip Duke of Burgundy, in the Tear 1495. long before Scotland was united to the Crown, or that the people of the ſeven united Provinces, had fallen from their naturall Princes of the Houſes of Burgundy, & Auſtria, into a Common wealth by incouragments of others. And during the late war in the Tear 1673. the States in all their Declarations and Manifeſtoes appealed to the Parliament of England, as Umpires between them and the King: one clauſe I cannot omit, in regard I find it published in print in their Netherland Hiſtorian (viz) „ VVe the States Generall do hereby in the uprightneſs of our hearts, and „ confidence of our integrity, ſubmit our defence to the Judgement of the English Nation „ in generall, and more eſpecially to the High and Honoble Court of Parliament (as re- „ preſenting the whole body of the Nation) whom we are not onely willing to make full „ Arbitrators of the unhappy differences between the Court of England and us, but should „ alſo account it for the ſpeedieſt way to a moſt happy accommadation, if they would take „ the pains to make a right diſtinction between the true intereſt of the Nation (whom „ they repreſent) and the crafty pretences of evill minded men. Now to meet them again in their own way cannot be denied us, without prejudice and partiallity.

VVherefore I have recollected ſeverall Articles out of diverſe Treaties of State, upon which I have briefly diſcourſed, and made ſome ſpeculations thereupon, and then proceeded to the third Part, which concerns the improvement of Trade and English Manufactures, &c.

VVhich if they find a good reception in England, I shall make a further progres in the next Tear, to gratifie ſome Friends at the generall Treaty, where the English (although they are neither Principalls nor Parties) yet as Lookers on may ſee how to hit a blot, or take a point ſooner then the Gameſters that plays.

Amſterdam Septemb. 29. 1676.

I am your Unfaigned Friend

G. C.

Six

Severall remarkable obſervations upon divers ſelect Articles in Treaties of Common Alliance and Commerce, concluded between Soveraign Princes and States.

Or

The ſecond Part of the Treatiſe continued by the Authour.

Article XV. With Spain.

If any prohibited Merchandiſe or Goods ſhall be exported from the Kingdoms, Dominions and Territories of either of the ſaid Kings, by the reſpective People or Subjects of the one or the other, in ſuch caſe the prohibited Goods ſhall be onely confiſcated, and not the other Goods; neither ſhall the Delinquent incur any other puniſhment, except the ſaid Delinquent ſhall carry out from the reſpective Kingdoms or Dominions of the King of *Great Britain*, the proper Coin, Wool, or Fullers earth of the ſaid Kingdoms, or ſhall carry out of the reſpective Kingdoms or Dominions of the ſaid King of *Spain*, any Gold or Silver, wrought or unwrought; in either of which caſes, the Laws of the reſpective Countreys are to take Place.

This Article is not inſerted amongſt the ſelect Articles between the Crowns of England *and* Spain, *in regard by the* Bourgundian *Treaty, when the ſtaple was kept at* Calis, *The* Flemmings *and* Walons *in* Brugis *and* Gant *wrought for many* Engliſh *Merchants of the ſtaple: but ſince they wanted a good regulation in the trade of old and new Draperies at home, ſeverall* Engliſh *men have not onely loſt their Wool, but the Cloath and Searges with the coſt of Manufacture and tranſportation.*

And although it be death in Spain *and* Portugall *to tranſport Silver or Gold, as its felony in* England *to tranſport Wool, yet one is frequently brought in, as the other is carried out. This Article is handled at large, in the proper place of the third part of this Treatiſe.*

Printed in the Year 1676.

To the Merchants-Adventurers of *England* and all other Merchants, subjects to the King of Great *Britain*.

COUNTREYMEN,

THere is a common saying in the *Low Countries*, that the *Hollanders* have gon beyond all other Nations, in trading, treating and accounting. And that there are three men in the States of *Holland*, all whose names begin with *B.* (viz.) *Beverning*, *Beuningen* and *Beaumont*, that have overreached the seaven Kings of Europe (viz.) *England*, *France*, *Spain*, *Portugal*, *Sweden*, *Denmark* and *Poland*. There is no generall rule but may have an Exception, which I doubt not but you will meet in some of the select Articles following, that concern onely Navigation and Commerce. As to other Leagues and confederacies (those matters and reasons of State) I meddle not withall; The *Hollanders* are best able to calculate the Expences of those chargeable offensive and defensive *Alliances*.

Its an *Aphorism* of a very learned Authour, that there be many things usefull to wise men, which were impossible for any man but a fool to invent, the same fortune I hope modestly to obtain from my Countreymen that ponder well the observations in the following treatise. It is possible that Monsr. *Beverning* who is at present the *Hollands* Plenipotentiarie at *Nimwegen*, and Monsr. *Beuningen* the States Extraordinary Embassador in *England*, and Monsr. *Beaumont* the Principall Secretary to the States of *Holland*, may understand the interest of their own Countrey with the intreagues of trade and Exchange, better then many other ministers of State, that have not had so much Leisure, from their pleasures and recreations to fathom the depth of those mysteries.

Nota. *That all spice is sold for Banck money, and all Bills of Exchange are paid in Bank money which is worth 4 pound per cent more then Cash, and so rises and falls according to the Course of Exchange which the Banckers do govern.*

The Seaven *United Provinces*, having no materialls of their own, built their fabrick of trade upon seaven forraign Principall bases, whereby they raised a structure to such a Prodigious height and magnitude that overtopt all their Neighbours. The first supporter was *freedom of conscience* to all Nations wich brought in the Jews the ancient Merchants and Factors of the universe. 2. The *free Fisheries* upon the British Coast. 3. The *East-India spice trade*. 4. The *Banck* at *Amsterdam*. 5. The Caping *West-India Company*. 6. The Common *Hackney Navigations*, and 7. *Manufactures* of *Wool*, *Silk* &c. from all which their excises for the publique charge did arise and enabled them to encounter other Nations that have suffered for their sloth, credulity and wantonness.

There is one advantage more that the *Hollanders* have above all other Soveraign *Princes* or *States*. Their Embassadors and publique Ministers being all members of the *East* and *West India Companies*, they treat both as Principalls and Parties upon all affairs of State, who are likewise incorporated as the chiefest in the States Generall. Yet there may be three good acts & ordinances of Parliament which would shake all those seaven Principalls, without any stroaks or blows, especially if the two grand Enemies of *England* be suffered to weaken each other a year or two longer. While the Merchants Adventurers and others take money for Cloathing and Victualling their Armies. For there can not be a more sure and easie conquest then that which may be gotten by Peace.

Antwerp Novemb. 28. 1676.

I continue

Your affectionate Friend and Servant

GEORGE CAREW.

Sir

Six ſelect Articles, taken out of the treaty of Alliance and Commerce, concluded at London the 24th of February 1495. between HENRY the ſeaventh, King of *England*, and PHILIP Arch-Duke of Auſtria, Duke of Burgundy, &c.

Extracted out of the Original kept upon record in the Chamber of Accounts at Liſle *in the Province of Flanders.*

ARTIC. X.

CONventum eſt, quod omnes Mercatores tam Regni *Angliæ*, *Dominii Hiberniæ*, *Villæ & Mareſcalliæ Caliſiæ*, *&c.* quam etiam Mercatores Terrarum & Patriarum *Brabantiæ*, *Flandriæ*, *Hannoniæ*, *Zelandiæ*, *Villæ* & *Terræ Mechliniæ*, & aliarum Patriarum & Dominiorum Domini *Archiducis* prædicti tàm mercatores Lanarum, Coriorum, Victualium, quàm aliarum Mercantiarum quarumcunque, nec non horum factores, familiares, negotiorum Geſtores, & miniſtri poterunt deinceps per terram pedeſtres aut Equeſtres, aut alio modo quocunque armati vel non armati (dummodo armati ſimul incedentes quadragenarium numerum non excedant) cum & ſine bonis & mercantiis ſecure & libere ire & venire invicemque communicare & mercari, emere, & vendere ac commercium facere & habere tam de mercatiis Lanarum, Coriorum, Victualium, Armorum, Equorum, jocalium quàm aliis quibuscunque, ipſaque ducere & reducere, ſive duci & reduci facere ad Eorum libitum & voluntatem de *Caleſia* & marchia ejusdem ac aliis quibuscunque partibus Regni *Angliæ* & Dominii *Hiberniæ* in *Brabantiam*, *Flandriam*, *Hannoniam*, *Hollandiam*, *Zelandiam*, *Mechliniam*, & alia Dominia præfati *Archiducis* & ècontra de *Brabantiâ*, *Flandriâ*, *Hannoniâ*, *Hollandiâ*, *Zelandiâ*, *Mechliniâ*, ac Dominiis præfati *Archiducis* in Villam & Marchiam *Caleſiam*, & alias quascunque Partes Regni *Angliæ* & Dominii *Hiberniæ*, abſque aliquo impedimento, aut prohibitione quacunque in contrarium, & abſque eo, quod propterea aliquam mulctam vel pœnam incurrant, ſeu quod per Dominos Patriarum, Terrarum, & Dominiorum prædictorum hinc inde redargui, accuſari, puniri, vel mulctari queant; ſtatutis & ordinationibus Locorum ſemper ſalvis.

Lana, Coria, Victualia &c.

Statutis & Ordinationibus locorum ſemper ſalvis.

XI.

Item conventum eſt, quod omnes Mercatores Regni *Angliæ*, Dominii *Hiberniæ*, *Villæ* & *Marchiæ Caliſiæ*, *&c.* tam Mercatores lanarum, coriorum, victualium, armorum, equorum, jocalium, quam aliarum mercantiarum quarumcunque nec non eorum Factores, familiares, negotiorum Geſtores & miniſtri, Nautæ, magiſtri navium, & marinarii poterunt navigare, ire, transire per mare, & aquas dulces eundo & redeundo converſari, eſſe, & morari ſecure & libere in Patriis, Dominiis, & Terris præfati Domini *Archiducis*, & etiam in Portubus & Littoribus Patriarum, Terrarum, & Dominiorum prædictorum per ipſum Dominum *Archiducem* authoriſatis in Villis, videlicet, ubi *Cuſtumarii* & alii *Officiarij Archiducales* ſunt ordinati ad vacandum & attendendum pro & ſuper introitu & exitu navium Mercatorum & mercantium, & non alibi, nec in aliis locis cum Eorum bonis Mercantiis & Navibus prædictis quibuscunque, & cum Mercatoribus Patriarum, Terrarum, & Dominiorum præfati Domini *Archiducis* ſeu horum Factoribus, familiaribus, & Negotiorum geſtoribus & Miniſtris, nec non cum omnibus aliis Mercatoribus cujuscunque nationis exiſtant & Eorum Factoribus familiaribus, negotio-

Liber Mercatus ubi Telonia ſolvuntur.

Niſi ubi Cuſtumarii vacent Rebus hujusmodi.

rum geſtoribus & Miniſtris, de quibuscunque Mercantiis tam Victualium, quam aliis liberè mercari, emere, habere, & vendere ac mercantias fruere poteruntque ad & in prædictos Portus & Littora Patriarum, Terrarum & Dominiorum præfati Domini *Archiducis* tam Eorum propria bona quam aliena ducere vel duci facere, & ab ipſis Portubus ſeu Littoribus quotiescunque, quandocunque, & quotcunque, voluerint ſecure recedere & redire, cum Eorum bonis Mercantiis & Navibus prædictis quibuscunque: Et pari modo Mercatores Patriarum, Terrarum, & Dominiorum præfati Domini *Archiducis* tam Lanarum, Coriorum, Victualium, & aliarum Mercantiarum quarumcunque nec non Eorum Factores, Familiares, negotiorum Geſtores, & Miniſtri, Nautæ, Magiſtri Navium, & Marinarii poterunt de cætero ſecure & libere navigare, ire, tranſire, & redire mare & aquas dulces, & eundo & redeundo converſari, eſſe & morari in dictis Regni *Angliæ*, & *Hiberniæ* Dominio, Villâ & *Marchiâ Caleſiâ*, &c. in Portubus & Littoribus ipſorum, per præfatum Dominum Regem *Angliæ* authoriſatis in Villis *videlicet*, ubi Cuſtumarii & alii Officiarii Regis ſunt ordinati, ad vacandum & attendendum pro & ſuper introitu & exitu Navium, Mercatorum & Mercantiarum, & non alibi, cum eorum bonis Mercantiis & Navibus prædictis, quibuscunque & cum Mercatoribus *Angliæ*, *Hiberniæ*, *Caleſiæ* & *Marchiæ* ejusdem, ſeu Eorum Factoribus, familiaribus negotiorum Geſtoribus & Miniſtris, de quibuscunque Mercantiis tam Victualium, quam aliis libere mercari emere & vendere ac mercantias facere, poteruntque ad & in prædictos Portus *Angliæ*, *Hiberniæ* & *Caleſiæ*, tam eorum bona propria, quam etiam aliena ducere, vel duci facere, & ab ipſis Portubus ſeu Littoribus, quotiescunque, quandocunque, vel quocunque voluerint, liberè & ſecure, recedere & redire, cum eorum bonis, mercantiis, & Navibus, absque eo, quod ipſi propterea per Dominos Regnorum, Dominiorum, Patriarum, & Terrarum prædictorum, ſeu horum Officiarios, quovis pacto redargui, vel aliquâ pœna mulctari poſſint, ſeu quod per eosdem ipſis mercatoribus aliquod damnum, præjudicium, vel impedimentum fieri poſſit, per viam facti occaſione guerræ vel deprædationis, aut attentorum, Factorum, vel fiendorum, vel alio modo ex cauſâ quâcunque: ſolvendo tamen quantum attinet ad Mercatores, utriusque partis partium prædictarum pro rebus bonis & mercantiis ſuis jura & telonia, quæ ante quinquaginta annos proximè elapſos, ſtatuta ſolita & conſueta fuerunt, & non alia, & nihilominus poterunt utriusque partis Principes in Dominiis ſuis, quoad ſubditos ſuos talia jura & telonia, quæ ſolverint de novo inſtituere: poterunt etiam, non obſtantibus prædictis, cauſâ neceſſitatis Victualia & juſtâ & rationali cauſâ prohibere & defendere, ne tale genus victualiun, quod eis magè videbitur expedire à Dominiis extrahatur.

Ubi Cuſtumarii & alii Officiarii.

Tam bona propria quam aliena,

Rebus bonis & Mercantiis ſuis telonia quæ ante 50. annos. Subditis licet nova Telonia imponere. Victualia defendere cauſâ neceſſitatis.

XIV.

Item conventum eſt, quod Piſcatores utriusque Partis Partium prædictarum cujuscunque conditionis exiſtant, poterunt ubique ire, navigare per mare, ſecure piſcari, absque aliquo impedimento, licentiâ ſeu ſalvo-conducto: Et ſi contingat aliquos ex Piſcatoribus unius partis per fortunam, tempeſtatem maris, vim hoſtium, aut alio modo compelli intrare in aliquem portum vel diſtrictum alterius partis, ibidem pacificè & amicabiliter recipientur & tractabuntur, ſolvendo in locis ubi applicabunt, jura & telonia prædicta, & ab illis portubus & locis poterunt liberè recedere, & redire cum eorum Navibus & bonis, ſine impedimento vel contradictione quacunque, dummodo tamen per ipſos Piſcatores non committatur fraus neque dolus, ſeu per eos aliis damnum minime fiat.

Piſcatoribus utriusque Partis.

Principis ſubditis tam per Mare per Terram liberum Commercium fore.

XXII.

Item conventum eſt, quod Nautæ, Magiſtri navium, & Marinarii ſubditi præfatorum Principum poſt adventum ipſorum ad portus unius vel alterius Principum Eorundem,

Nautæ alterius ſubditorum libertatem habere.

dem, poterunt liberè imponere & ligare eorum naves, tam oneratas & non oneratas, quam ad querram diſpoſitas dummodo non fuerint piraticæ in eiſdem portubus & littoribus eodem modo, quo poterunt ipſius Principis Subditi proprii.

XXIX.

Item conventum eſt, quod omnes & ſingulæ litteræ Repreſalliorum, aut demaria vel contra maria ex Cancellaria, vel aliâ Curiâ Principum prædictorum, aut eorundem prædeceſſorum, ad cujuscunqus proſecutionem vel ob cauſam quamcunque ante conceſſæ vel emiſſæ in ſuſpenſo tenebuntur, nec poterit earum aliqua fieri executio niſi ſuper earum meritis habitâ cognitione indictâ ad hoc per ipſos Principes ſpecialiter deputandum, aliter fuerit ordinatum, & pari modo omnes & ſingulæ deprædationes & violentæ captiones ſuper mare hinc inde ante diem Octobris decimum tertium ultimum præteritum factæ ſimiliter tenebuntur in ſuſpenſo, nec poterit ſuper iisdem aut earum aliquâ actio intentari aut admitti: nec litteræ Repreſaliorum dari niſi ſuper horum meritis habitâ cognitione indictâ ad hoc per ipſos Principes ſpecialiter deputandum aliter fuerit ordinatum.

Preterita Repreſalia in ſuſpenſo habentur.

XXXV.

Item, ad ſecuriorem & firmiorem tam amicitiarum quam Mercium intercurſus obſervantiam præfatus Dominus *Rex*, per ſuas litteras mandatum dabit ſpeciale Reverendiſſimo in Chriſto Patri Domino *Joanni* Cardinali *Cantuarienſi*, Archiepiſcopo & Apoſtolicæ ſedis Legato, Reverendiſſimis in Chriſto Patribus Domino *Richardo Dunelmenſi* Epiſcopo, Cuſtodi privati Sigilli, Domino *Thomæ Wintonienſi* Epiſcopo, *Joanni Denham* Theſaurario Angliæ, *Thomæ* Domino Marchioni *Dorſet*, *Joanni* Comiti *Oxonienſi* magno Camerario, *Edmundo* Comiti *Suffolck*, *Thomæ* Comiti Arundel, *Thomæ* Comiti *Derbiæ*, *Georgio* Comiti *Salisburgiæ*, *Joanni Wallis* Vicecomiti *Dabney*, *Ægidio* Domino *de Dabney*, *Joanni* Priori Domus *Sancti Ioannis Jeruſalem* in *Angliâ*, nec non Majoribus, Baillivis Civitatum ac Oppidorum ſequentium, *Londinum*, *Eboracum*, *Briſtollium*, *Wintonium*, *Cantuariæ*, *Rocheſtria*, *Southamtonia*, *Santwicum*, *Doberium*, *Lima*, *Derthmouth*, *Plemouth*, *Hulla*, *Winchelſa*, *Boſtonia*, *Termouth* & *Berwicum*, quod ſe obligabunt & quilibet eorum ſe obligabit in formam ſequentem: Omnibus Chriſti fidelibus præſentes has litteras Inſpecturis, Viſuris, & Audituris, *Joannes Cardinalis Cantuarenſis* Archiepiſcopus, *Richardus Dunelmenſis* Epiſcopus, *Thomas Wintonienſis* Epiſcopus, *Ioannes Dynham*, *Thomas* Marchio *Dorſet*, *Joannes* Vicecomes *Oxonienſis*, *Edmundus* Comes *Suffolck*, *Thomas* Comes *Arundel*, *Thomas* Comes *Derbiæ*, *Thomas* Comes *Salisburiæ*, *Joannes Welles* Vicecomes, *Ægidius Dabney*, *Joannes* Prior Domus *Sancti Joannis Jeruſalem* in *Angliâ*, nec non majores, Baillivi Civitatum ſeu Oppidorum de *Londino*, *Eboraco*, *Briſtolio*, *Wintonio*, *Cantuariâ*, *Rocheſtriâ*, *Southamtonia*, *Santwico*, *Doberio*, *Linâ*, *Dormouth*, *Plemouth*, *Hulla*, *Winchelſa*, *Boſtoniâ*, *Termouth*, & *Berwico*, ſalutem in Domino ſempiternam. Cum inter Illuſtriſſimum Principem *HENRICUM*, Dei gratiâ *Angliæ*, *Franciæq; Regem*, & *Dominum Hiberniæ*, ex unâ, & Sereniſſimum Principem *PHILIPPUM*, Dei gratiâ *Auſtriæ Archiducem*, *Burgundiæ Ducem*, &c. ex alterâ partibus quædam amicitiarum, intelligentiarum & Mercium intercurſus, mercatorumque communicatio ac alia etiam eoſdem Principes & ſubditorum ſuorum, Regnorum, Patriarumque utilitatem concernentia, Tractatus & fœdera de Datâ 24. die menſis *Februarij* 1495. *Londini*, inita, conventa, concluſa, & finaliter determinata fuerint, quos quidem Tractatus amicitiarum & Mercium intercurſus vidimus & intelleximus, ac hic pro inſertis habere voluimus, noveritis nos præfatos *Joannem Cardinalem*

Obligatio Nobilium & Civitatum Anglorum Procerum.

Nomina Civitatum Angliæ.

dinalem, *Archiepiſcopum Cantuarienſem*, *Richardum Dunelmenſem* Epiſcopum, &c. Et majores, Baillivos Villarum ſive Oppidorum prædictorum ad Requeſtam & mandatum præfati *Domini Regis*, ac ad ſuarum litterarum nobis in ea parte directarum & deliberatarum, quas hic pro inſertis habere voluimus contemplatione in bonâ fide promiſiſſe, ac nos, & quemlibet noſtrûm, hæredes & ſucceſſores noſtros præfato Illuſtriſſimo Principi *PHILIPPO*, *Archiduci Auſtriæ*, *Duci Burgundiæ*, *&c.* ejusque hæredibus & ſucceſſoribus ſub hypothecâ & obligatione omnium bonorum noſtrorum præſentium & futurorum obligaſſe, ſicque per præſentes promittimus & obligamus, quod effectualiter procurabimus, inſtabimus, ac quantum in nobis erit, efficiemus quod idem *Dominus Rex*, ejusque hæredes & ſucceſſores, omnia & ſingula prædicta, tam amicitiarum quam mercium intercurſus, omniaque & ſingula eisdem contenta & ſpecificata bene & fideliter tenebunt, & obſervabunt, & perimplebunt, ac per nos ſubditos, Vaſallos quantum Eos concernit, ac inpoſterum concernet benè & fideliter facient teneri, obſervari & impleri, in contravenientes juſtitiam miniſtrabunt ſeu miniſtrari facient. In cujus rei teſtimonium &c. Et pari modo Illuſtriſſimus Dominus *Archidux* per ſuas litteras mandatum dabit ſpeciale Reverendiſſimo in Chriſto Patri Domino *de Bergis* Epiſcopo *Cameracenſi*, *Carolo de Croy Principi de Chimay*, *Philippo de Burgundia* Domino *de Beures*, *Joanni* Domino *de Bergis*, *Joanni* Domino *Egmundo* Gubernatori *Hollandiæ*, *Willelmo de Croy* Domino *de Chievre*, *Antonio de Rellin* Domino *de Emmeri*, *Baldwino de Lannoy* Domino *de Molembais*, *Franciſco de Buskeyden* Domino Præpoſito *Leodienſi* & *ſancti Donatiani*, ac *Joanni de Tinas Denteville* Domino Capitaneo *de Brugis*, nec non Burgimagiſtris Villarum ſeu Oppidorum de *Gandavo*, *Brugis*, *Iperen*, *Dunkerken*, *Nieupoort*, *Antverpiâ*, *Bergis*, *Dordrecht*, *Delft*, *Leyden*, *Amſtelredam*, *Middelburgh*, *Zierickzeé*, *Veeren*, *Meklinâ*, *Bruxillâ*, *& Brielâ*, quòd ſe obligabunt, & quilibet eorum ſe obligabit ſecundum vim, formam & effectum obligationis prædictæ, mutatisque in eâ parte mutandis : quas quidem omnes & ſingulas obligationes modo & formâ præmiſſis conceptas decimâ quintâ die *Maÿ* proximè futura idem Illuſtriſſimus *Rex Angliæ*, in Eccleſiâ Beatæ Mariæ Virginis Deputato vel Deputatis dicti Domini *Archiducis* tradet, deliberabit, & tradi & deliberari faciet, & pari modo Illuſtriſſimus Dominus *Archidux* omnes & ſingulas obligationes modo & formâ præmiſſis conceptas 15. die *Maÿ* prædictâ, in Eccleſiâ prædictâ Deputato vel Deputatis ejusdem *Regis* tradet & deliberabit aut tradi & deliberari faciet.

Nomina Procerum Belgarum.

Collationné ſur une minute du ſus de Traité, qui eſt gardée dans la Chambre des Comptes de Lille *en Flandre, par moy ſoubſigné Conſeiller & Hiſtoriographe ordinaire du Roy, & Commis par ſa Majeſté à la Garde & Direction des Litres Chartes, & Archives d'ille Chambre, le* 22. *Iuin* 1675.

DENYS GODEFROY.

The ſaid Philip, Arch-Duke of Auſtria *and* Duke of Burgundy, *was the onely Son and Heir of* Maria de Vallois Dutcheſs of Bourgundy, *and* Maxmilian Arch-Duke of Auſtria *her Husband, who was Son and Heir of* Frederick Emperour of Germany.

He ſame *Philip*, afterwards in right of *Iane* his Wife, the Daughter of *Ferdinando*, and *Iſabella* King and Queen of *Arragon*, and *Caſtil* was crowned *King of Spain* in the year 1501, who left two Sons, by the ſaid *Iane*, named *Charles* and *Ferdinando*, the Eldeſt was crowned *King of Spain* in the year 1519 by the Name of *Charles the Firſt* of that Crown, and in the year 1520 was crowned *Emperour of Germany* by the Name of *Charles the fifth*: His Son *Philip* the Second ſucceeded him in *Spain*, and the 17. Provinces &c. and his Brother *Ferdinando* in the *Empire*: Then *Philip the Third* ſucceeded in *Spain*; and after him *Philip the Fourth*: and now *Charles the Second*, preſent *King of Spain*, (that was begotten of *Anna Maria* Daughter of *Ferdinando the Third Emperour of Germany*,) who is now married to *Maria Tereſia* the Daughter of *Leopoldus* the preſent *Emperour of Germany*, which he had by his Firſt Wife *Margaret* the younger Daughter of the ſaid *Philip the Fourth*.

Lewis the Fourteenth of France having married the *Infanta Maria*, the Eldeſt Daughter of the ſaid King *Philip* by *Iſabella* the Daughter of *Henry the fourth of France*.

HE the ſaid Lewis the French King *now claims the* Spaniſh Nether-lands, *or ſome Part thereof, in right of* Maria *his Wife, as Heir, at Law or for want of her marriage portion promiſed at the* Pyrenian Treaty *upon renouncing her Right in* Bourgundy *to the* Spaniſh *Monarchy, which at preſent (by an overruling Providence) is brought very low.*

THe ſaid Bourgundian Treaty, (wherein all the 17. Provinces were included) was ratified and confirmed by Charles the Fifth, and Henery the Eight, who bound themſelvs and their ſucceſſours for Ever to the performance thereof; And even diverſe of the nobility in the Low Countries, and the Cities of Amſterdam, Midlebourgh, Dort, Bridges, Antwerp, Gant, Zirrickſea, Leyden &c. and their ſucceſſors ſtand obliged as Guarantees; And alſo ſeverall of the Nobility and Cities in England. Although the Goberment be changed, in the Low Countries the Provinces and Cities remain; and there is the ſame Juſtice and Equity that all the ſubjects and inhabitants of England ſhould injoy thoſe rights Pyiviledges and Exemptions in the 17. Provinces provided by that Treaty, as the ſubjects and Inhabitants of the 17. Provinces doe reſpectively injoy in England without any exception reſtriction or diſtinction whatſoever.

Whereſoever the Souveraignity of the ſeven United Provinces remains. All judgments Judiciall acts and decrees of the ſupream Court of Judicature at the Hague do paſs in the name of the High Soveraignity of the Earldoms of Holland, Zeland and Weſt-Frieſland; and in Gelderland &c. the like; which were the titles of the Duke of Bourgundy. In all their aſſemblies of the States Generall, every Province takes place according to their precedency bearing the ſame Coats of Armes of the Dukedoms, Marquiſits, and Earldoms, ſo they cannot in Juſtice diſclaym the antient covenants and contracts with England, ſince they keep up the titles and other badges of Honour and Soveraignity of the Provinces which were in the perſons of Princes before they gave aſſignation to the States General whoſe compacts with England in the Bourgundian Treaty as to thoſe Provinces are incumbant upon the ſayd States. Which if they ſhall deny, there are further convincing arguments to reach them at the end of this ſecond part; that for ſome reaſons are not put in practiſe in this juncture of troubles in Chriſtendom.

The ſaid Treaty concluded between Henry the VII. King of England *and the ſayd* Philip Arch-Duke of Auſtria *and* Duke of Bourgundy *contained ſix and thirty articles, the ſix before mentioned related chiefly to the regulation of trade, Navigation and Commerce, the reſt concerned the peculiar intereſts of* Princes (*viz.*) *that no aſſiſtance ſhould be given to Enemies of either ſide, no Rebells to be countenanced, but removed and bannished, no Pirates harboured, &c.*

PHilip the ſecond confirmed the ſame Alliance, with Edward the Sixth and Queen Mary (with whom he contracted a marriage) and alſo promiſed Queen Eliſabeth to ſend her aid and aſſiſtance towards regaining of Callis from the French yet he kept not his word, but on the contrary fomented great troubles in Ireland, while the French continually incouraged the Scotts to invade the Frontiers of England purpoſely to make diverſion from expeditions for France: then a Civill warr broak out in the Low Countries in the yeare 1572. where ſeaven of the Provinces having choſen old William of Naſſaw Prince of Orange, to be their Captaine Generall to aſſert their rights and Pyiviledges againſt the innovations of Spain. After nine years contention in Armes/ the United States renounced the Spaniſh Goberment, in regard Queen Eliſabeth could not prevail by all her indeavours and Mediation to reconcile the King of Spain and the States.

Then they offered themſelvs and their Provinces to be under the ſoveraignity of Henry the third of France, who refuſed to be incumbed with ſuch a generation. Queen Eliſabeth alſo denyed any Souveraignity at Land over thoſe States, but after many ſuplications, her Majeſty toke them into her Protection in the peare 1585, whereupon an open warr followed between England and Spain, and in the peare 1588. The invincible Armado was diſperſed by the Engliſh Fleet, yet the warr continued during her Majeſties Raign.

In the pear 1602. the United States erected their East-India Compagny: and King James was at that time proclaimed lawfull heir and Succeſſour to the Crown of England, who would never intreague himſelf in Leagues with the Hollanders, that were at ſtrife with all their Neighbours, but made a peace with Spain and continued the Commun Alliance for Navigation and Commerce with all the 17. Provinces purſuant to the Bourgundian Treaty. But as Scotland his Majeſtie demanded annuall tributes for their Fiſhing and dying their nets at Anchor upon the Scots Coaſt: the ſame ought to be demanded upon the Engliſh account, if the Priviledges granted by the Bourgundian Treaty (in View thereof) be not continued to the Engliſh Marchants in all the Cities, Ports, Harbours, Roads and Navigable Rivers of the 17. Provinces, ſince the Hollanders and Flemings do reſpectively injoy the ſame in England without any reſtraint whatſoever.

In the Peare 1609. King James and Henery the Fourth of France as Mediators procured a truce and ceſſation of Arms for 12. Years between Spain and the Hollanders.

Then the States of the United Provinces preſently entred into a League offenſive and defenſive with France upon all events againſt England and Spain, to maintain their free Fiſhing upon the Coaſt of Great Britaigne. And during the ſayd ceſſation of Arms, ſoon after King James had delivered (the Keys of Holland and Zealand) the Cautionary towns, Briel, Fluſhing and Rammekins. A warr was fomented in Bohemia at the ſame juncture with the East-India Company of the Netherlands, did time their buſines to ſpoyl the Engliſh Marchants of their Plantations, Factories, and Spice trade at Amboyna, Jacatra &c. The ſtains of whoſe bloud will never be waſhed away. The true being ended in the Peare 1621. the Hollands erected a West-India Company by Patent to take the Spaniſh plate fleets and to make new Conqueſts in America. And alſo proſecuted the warr in Flanders for their Frontier Townes.

After the death of King James, King Charles the firſt in the Peare 1625. made a League with the Hollanders offenſive and defenſive againſt Spain and Auſtria, and at the ſame time ſent a Fleet of Ships to relieve the diſtreſſed Proteſtants of Rochell: whither the Dutch ſent 20. Ships of warr (intended againſt Spain) to the aſſiſtance of France that defeated his Majeſties forces at the Iſle of Rhee.

In the Year 1630. the Spanjards deſirous of a good correſpondency with England, offered ſatisfaction to the King's demands, but the Hollanders would not be included in any treaty: ſo a Peace was concluded at Madrid between Philip the Fourth of Spain, and Charles the Firſt of Great Brittaign, with ſome additions to the Bourgundian Treaty.

Then the Hollanders applied themſelvs to Cardinal Richelieuw, and renewed their League offenſive and defenſive with Lewis the 13. that they had made with his Father Henery the 4. whereby the Spaniſh Netherlands were to be Equally devided between Holland and France, while England ſtood ſtill and remained neutral. But after ſome Years, the Hollanders growing jealous of ſuch Neighbours, they inclined to a Treaty at Munſter, whereupon there was a peace concluded in the Peare 1648. between Spain and Holland, leaving the French King to ſhift for himſelf who continued the warr with Spaine and Auſtria untill the Pirenean Treaty in the Year 1659. where the Hollanders, for their own defence, would have ſo much of the Spaniſh Netherlands as they had left / to remain as a Bulwork for them againſt France, and ſo procured the act of renunciation from the Infanta of all her Right / and pretence to the Bourgundian Title: Yet refuſed afterwards, to ſuffer the French King to ſeize the Spaniſh Plate Fleet for payment of the Marriage Portion, that was Promiſed with the Infanta upon her renunciation which is yet unſatisfied.

Wherefore in Juſtice and Equity the *Hollanders*, or *Spain* ought to pay the Portion, otherwiſe the *French King* hath an action of unkindneſs againſt them both: And under favour of the Honourable Author of the *Bucklers State & Juſtice* in his Arguments *Art.* 3. *pag.* 70 *and* 71: *Souveraigns* have Prerogatives above private perſons, who are tyed to formalities of Law: *Princes* in ſuch caſes (and in all caſes of injurie) give their own declarations at the head of an Army: And having no ſupream, they are their own competent Judges: yet Neighbouring *Princes*, as moderatours ought to interpoſe ſo farr, that upon payment of the Principal, the Penalty ſhould not be exacted.

In the Year 1654. at the end of the warr between the Long Parliament and the Hollanders, Oliver Cromwell concluded a treaty with the States Generall, conformable to the Bourgundian Treaty, whereby all there Navigable Rivers were made free to the Engliſh with all other Priviledges whatſoever, as ample as they were by the ſaid Treaty in the Year 1495. But Cromwell preſently made a warr with Spain, and ſo obſtructed the Engliſh Navigation to Antwerp, Gent, and all other Spaniſh Ports in the Netherlands untill the pear 1660. Nevertheleſs in the 30. Article of Oliver Cromwels treaty it was concluded that all dammages and injuries done to the Engliſh in the East-Indies, Muſcovia, Braziel, and all other places, ſince the Year 1611, unto the Year 1652, ſhould be referred to the determination of Commiſſioners, who received a liſt of all Dammages, but determined onely that of Amboyna for 83650 pounds Sterling towards ſatisfaction of the Heirs Executors and aſſignes of thoſe perſons that were murthered, and ſpoiled at Amboyna which was payd accordingly; and all the reſt were referred to the Proteſtant Cantons of Switſerland who never met.

In the Year 1658. a youngman in the Citie of Hambourgh threw a ſtone at one of the Merchants adventurers, calling him and all Engliſhmen ſons of Rogues, that had murthered their King: whereupon the Merchant applyed himſelf to Mr. Bradſhaw, Cromwells Reſident there, who complained ſo highly to the Magiſtrates, threatning them that his Maſter ſhould block up the River Elve, and burn their Ships in their harbour if he had not ſatisfaction for that affront: ſo the Magiſtrates were forced to deliver up the Perſon to be ſacrifized at his pleaſure, who upon ſome intreaties cauſed him onely to be whipt twice through the Exchange at noon day.

If great Brittaign *was ſo terrible abroad in the time of an* Uſurper, *what ſhould it be now, when the Lawfull* Souverain Lord and King *ſits upon his Throne. If the ſubjects knew their own ſtrength, and underſtood their own intereſt?*

It

BUt it will be objected, that ſince the *Bourgundian* Treaty the 17. *Provinces* have been diſmembred and divided into ſeverall Governments and Juriſdictions, Some belonging to *Spain*, Others to the *States* of the 7. *United Provinces* and a part unto *France*. And that even in *Flanders* and *Brabant* the two *Spaniſh* Maritime *Provinces*, the *Hollanders* had gotten by their Conqueſts *Sluce*, *Saſs van Gent*, *Ardenburgh*, *Breda*, *Hulſt*, *Bergen op Zoom*, and other Frontier-Places, which were confirmed to the *States* by the Treaty at *Munſter*, when the *King* of *Spain* releaſed his right therein to the *Hollanders*. And that the *French King* hath ſince gotten by purchaſe and conqueſt in thoſe two *Provinces*, *Duinkirke*, *Winoxberg*, *Douway*, *Tournay*, *Liſle*, *Oudenaarde*, *Cortrick*, *Armentiers*, *Aylſt*, *Conde*, *Maſtricht*, &c. Many whereof by the Treaty at *Ayx Capele* were confirmed to him by the Crown of *Spain*: this is anſwered before, that they are all members of *Bourgundy*, and if they expect any of the Priviledges and advantages of the *Bourgundian* Treaty with *England*, they muſt reciprocally anſwer the like; but the laſt Treaty Marine with *Holland*, and the Treaty at *Madrid* with *Spain* puts all the chief matters out of doubt.

As it was the intereſt of *England*, in the time of *Philip* the Second, to curb the pride of *Spain* (in dividing his Powers) by aſſiſting the poor diſtreſſed States of *Holland* &c. So it is now the Intereſt of *Great Brittaign* to hinder the growth of the *Hollanders* that are ſwelled ſo high above their Neighbours by the ſpoils of Other *Nations*, their *Eaſt-India* trade, Fisheries, &c.

The Hiſtory of thoſe Times is freſh in the memory of many thouſands that are tranſported with wonder and aſtoniſhment, to hear that the Hollanders, *did lately fight with the two* Royall *Fleets of* England *and* France *in the open Sea, and ſeverall Armies at Land. When they conſider the days of old and read the records of* England *how* Richard *the firſt conquered the* Kingdom of Cyprus, *and* Henery *the Sixth was crowned* King *of* France *in the Citie of* Paris.

THe *generall known Maxime is that* Kings *can do no wrong, therefore no action of injury lies againſt a Soveraign Prince. They ſee with other mens eyes and hear with other mens ears, and their Miniſters are onely accountable for all Errors, who ſometimes have taken wrong meaſures otherwiſe they could not commit ſuch groſs & palpable miſtakes as appears in their tranſactions concerning the rights and properties of the ſubjects mentioned in the 15. Article of Peace and Alliance between* Charles the Second King *of* Great Brittain *and the* States Generall *of the* United Netherlands *taken out of the Treaty concluded at* London *the 4. of the Septemb. 1662. and in the following Articles of the Treaty at* Breda.

Article XV. Translated out of the Latin Original.

IT is alſo agreed and concluded between His ſaid Majeſty of *Great Britain*, and the ſaid Lords States of the United *Netherlands*, That the Iſland of *Pularon* ſhall be reſtored unto His ſaid Majeſty, or unto them whom he ſhall thereunto appoint by a Commiſſion under the Great Seal of *England*; and that ſo ſoon as any one provided with ſuch a Commiſſion, ſhall arrive there and demand the ſaid reſtitution: Which that it may be effected with the more eaſe and certainty, Commiſſions neceſſary for that end ſhall be delivered unto Him from the States General, and the *Netherlands Eaſt-India* Company, immediately after the Ratificarion of this Treaty. And that by the reſtitution of the ſaid Iſland of *Pularon*, all actions and pretenſions wherein the Subjects of either Party think they have right for Loſſes, Injuries and Offences committed upon each other in *India*, and taken notice of in *England* before the 10 of January 1658 (with this Exception, That they who ſay they have ſuffered loſs in Two Ships, to wit, the *Bonaventura* and *Bona Eſperanza*, may proſecute the Suit already begun) ſhal ceaſe, be extinguiſhed and annulled in the manner following:

(Hoc excepto quod ſcilicet qui ſe jacturam paſſos dicunt in duabus navibus (viz) Bona Eſperanzi & Bona Adventura. Poterunt litem inceptam proſequi.)

That all Offences, Injuries and Loſſes (except before excepted) which one part hath ſuffered, or can any way pretend to have ſuffered from the other in the *Eaſt-Indies*, whereof any notice hath been given to the *Engliſh* at *London*, or to the *Netherlanders* at the *Hague*, before the Twentieth day of *Ianuary*, 1659. New ſtile, or the Tenth of *Ianuary*, 1658. Old ſtile; but in other parts of the world on this ſide the *Cape*, if any actions or things whatſoever, that hapned before the publication and notice of the Peace concluded between both Nations the 4 day of March 1653 ſhall remain utterly Cancelled and extinguiſhed, ſo as neither party ſhall trouble the other for any ſuch Damage, Offence, Injury or Detriment (except before excepted) but there ſhall be and remain a perfect abolition of all and every one of them, and all Suits and Actions upon ſuch account ſhall be void and null: But other Damages, Offences, Injuries, and Detriments, which the *Engliſh* Nation either upon publik or private account, can affirm to have ſaln or been brought upon them by the Government of the United *Netherlands*, or by the Companies or private perſons ſubjects to that Government; as on the other ſide what the United *Netherlanders* can upon publick or private account pretend to have ſaln or been brought upon them by the Government of the *Engliſh*, or by the Companies or private perſons ſubject thereunto, in the *Eaſt-Indies*, before the 10 day of *Ianuary*, 1658 or at leaſt whereof there Hath no notice been given at *London*, or the *Hague* before that day; and in other parts of the world after the publication and notice of the aforeſaid Peace in the year 1954 without any further diſtinction or exception of perſons, place or time, ſhall be ſubmitted, as by this Treaty they are ſubmitted, unto the Examination, Arbitration and Deciſion of Commiſſioners or Arbitrators, after the Manner, and under the Conditions following.

That Commiſſioners be appointed onely for matters paſt, but not at all for matters to come, which may happen after the day whereupon this Treaty is concluded.

That their Commiſſion directed unto paſt things onely, as hath been already ſaid, is not to contain any general Clauſe, but to be expreſsly confined and limited to a ſpecial Catalogue, which ſhall be annexed unto the Commiſſion, ſo as they may by no means take cogniſance of any other thing beſides the Actions ſet down in that Catalogue:

But

But that they may mutually agree thereupon, a Catalogue ſhall be made by both Parties, and interchangeably delivered, that it may be punctually and duely examined by either ſide: And if there be found in either of the Catalogues, any things whatſoever relating to the *Eaſt Indies*, which were known in *London* before the 10 of *January*, 1658 as to Actions of the *Engilsh* or at the ſame time at the *Hague*, as to Actions of the United Provinces, or which hapned in other parts of the world before the publication and notice of the foreſaid Peace in the year 1654, or other Actions of ſuch a nature as may not be thought fit to be referred unto ſuch Arbitration, they ſhall be rejected and expugned out of the Catalogues.

Wherefore after each ſide is agreed upon theſe Catalogues, a whole year ſhall be appointed, wherein all buſineſſes contained in thoſe Catalogues may be accommodated and compoſed by friendly Conferences between his Majeſties Miniſter, and the Commiſſioners of the States General at the *Hague*; And the Pretenders or their Deputies thereunto appointed by ſpecial Letters of Atturney, ſhall be bound to make their appearance at the *Hague* before the end of the Sixth moneth in the foreſaid year: But that year being expired, all thoſe Actions about which the Pretenders or their Deputies were at the *Hague* with an aim or purpoſe to have them brought unto a friendly iſſue (which they ſhall be bound to prove by a lawful teſtimony of the King of *Great Britain*'s Envoy, and the Commiſſioners of the States General, or of either of them) and which nevertheleſs have not been by that time brought to ſuch an iſſue, ſhall be referred to the ſaid Commiſſioners, that they may be at laſt compoſed or decided by them; which Commiſſioners, after the ſaid year is expired, if there remain any Actions uncompoſed in ſuch friendly manner at that time, ſhall to that purpoſe meet at *London*, and they ſhall be Four on either ſide, inſtructed and provided with Authority; and thenceforward this ſubmiſſion and progreſs in and through all things, ſhall be carried on in the ſame manner as it was in the year 1654. But ſo as the Arbitration upon theſe matters be not referred to the Proteſtant Cantons of *Swiſſerland*.

*Poterunt Litem inceptam proſequi.

After this Treaty, was ſo concluded; The perſons intereſſed in the ſayd two Ships Bona Eſperanza *and* Bona Adventura, *perſued their memorialls at the* Hague *depending before the* States Generall *upon the* Kings *recommendation, but the* Eaſt India *Company pretended that the words* **were to be conſtrued as to a ſuite begun by Sr.* Paul Pyndar *at* Amſterdam *for* 85000 *gilders that* Iacob Pergens *had gotten by compoſition of the* Eaſt India *Company upon a ſubſequent bill of ſale & procuration from Mr.* Courten, *ſo they put Mr.* Carew *to a vaſt trouble and Expence in* Holland *whereupon this certificate followed, which the* States *ſlighted and ſayd they knew how to deal with* Engliſhmen *upon all accounts whatſoever.*

The Certificate of the Kings Commiſſioners, concerning the originall words. *Poterunt litem inceptam proſequi.*

WE underwritten Commiſsioners for his Majeſtie of Great Brittain *in the Treaty concluded the fourth of September* 1662 *at* London *with the late Embaſſadors of the States Generall of the United Provinces of the* Netherlands *doe hereby Teſtifie affirme and declare, that the words (*Poterunt Litem inceptam proſequi*) in the fifteenth Article of the ſaid Treaty relating to the Ships* Bona Eſperan za *et* Bona Adventura, *was by us meant and intended that* Lis *begun and now depending at the* Hague *in a Pollitique way between Sr.* George Downing *Knight and Barronet his* Majeſties *Envoy extraordinary, and the Deputies of the ſaid* States *and no other. And that there was no mention ever made of any other* Lis *begun and depending then that. And as to the conſtruing of the ſaid words to have Reference to any* Lis *pretended to be now* Incepta *at* Amſterdam *before the Eſchevens there. Wee the ſaid Commiſſioners do further Teſtifie and declare, that there was not any mention made during the time of the Treaty of any ſuch* Lis incepta *at* Amſterdam, *but indeed the ſaid Embaſſadors did particularly and earneſtly preſſe that the buſineſs as to thoſe two Ships might have been left to the ordinary Courſe of Iuſtice in* Amſterdam, *which was abſolutely refuſed by us the ſaid Commiſsioners in the name and by order of his ſaid* Majeſtie, *and by his ſaid* Majeſtie *himſelf (as he declared in Council) in Conference with the ſaid Embaſſadors, and that with this Declaration, that this buſineſſe ſhould not be removed out of the way it was depending upon the ſeverall memorialls & proceedings at the* Hague *by his* Majeſties *order and direction given in that caſe to Sr.* George Downing *which was mutually agreed accordingly.* In teſtimony *whereof, we have hereunto ſubſcribed our names and affixed our Seales this nine & Twentieth day of May in the fifteenth Year of the Raign of our Soveraign Lord King* Charles the Second, *Anno Domini*, 1663.

Albemarle. L.S.
E. Manchester. L.S.
Denzell Holles. L.S.
Cha. Berkeley. L.S.
G. Carteret. L.S.
Edw. Nicholas. L.S.
Will. Morice. L.S.

The

An Apologie for the Originall Proprietors, and adventurers, as alſo for the Creditors of Sr. *William Courten*, Sr. *Paul Pyndar*, and Sr. *Edward Littleton*.

IN this caſe of the *Bona Eſperanza*, and *Henry Bona Adventura of London*, The King appeared, ſo highly for a Soveraign remedy and ſatisfaction beyond all other caſes whatſoever; that when the States Embaſſadours Meſſieurs *vanHoorn* and *van Gogh* deſired their Credentialls to be gon *re infecta* in the Moneth of *Auguſt* 1662. unleſs his Majeſty would Mortifie and Extinguish the injuries Loſſes offences and Dammages concerning the ſaid two Ships *Bona Eſperanza* and *Bona Adventura*. *His Majeſty* preſently ordered Sr. *William Morice* to prepare the Letters Credentiall for his Royall Signiture, which was done and ſigned accordingly, whereupon the *Embaſſadours* deſired another conference with the Kings Commiſſioners, pretending their Maſters had given them further inſtructions by the laſt poſt, to accommodate the difference by an Expedient: Which was a clauſe ſent by *John de Witt* in Latin to follow after the Mortification of all other injuries and offences &c. in theſe Words: *Hoc excepto quod ſcilicet qui ſe jacturam paſſos dicunt in duabus navibus (viz.) bona Eſperanza & Bona Adventura, Poterunt Litem inceptam Proſequi.* Which was a very ſlight Expedient to be accepted after 15. Moneths vigorous proſecution by memorialls in the Kings Name for ſuch an injury and offence committed againſt the Laws of Common Amity. Whereby the trading voyages of *Courten* and Company to *China* and *Japan* were ſpoiled; A foundation laid by Patent for an Indian Navigation beyond all enterprizes that ever were undertaken by one *Engliſh* men before Sr. *Wil. Courten* and Company.

The Treaty being ſo concluded at *London*; The Kings Miniſters both in *England* and *Holland* preſſed on for an accommodation of that affair according to his *Majeſties* intention, but the *Eaſt-India Company of the Netherlands* would not come to any account for ſpoils (*pro conſequentia*) having for ſome reaſons not onely killed and wounded many of his Majeſties Subjects in the *Bona Eſperanza* but diſapointed the factories by taking away their goods and embeazling all their books and writings.

It is provided in the 15. Article that the Commiſſioners ſhould not meddle with any Dammages or offences to come after the Treaty was concluded, and alſo that the progreſs of all things brought before the Commiſſioners and Arbitrators ſhould be carried on in the ſame manner as it was in the year 1654. who concluded nothing (but *Amboyna*) of the great liſt of Dammages, ſo that the *Dutch* intended nothing as they reported at the *Hague* but to outwit the *Engliſh*.

The Kings Miniſters nor any of the perſons intereſſed and injured could get no other anſwer from the *States* or the *Eaſt-India Company*, but that thoſe *qui ſe paſſos dicunt* (although the fact was confeſsed) *Poterunt Litem inceptam proſequi* onely for the money; due upon Sr. *Paul Pyndars* aſſignation as if there wanted a Treaty of State to impower any *Engliſhmen* to proſecute the *Eaſt-India Company* at Law in the ordinary courſe of Juſtice upon any pretence whatſoever. Then the Creditors and Proprietors reſolved unanimously together that the *Hollanders* ſhould not find them Children but men, and *Engliſhmen*, that would not be contemned and derided by any Nation in the world, and would as ſoon loſe their lives as their livelyhoods, Honours or reputations: Wherefore they applyed themſelvs again to his *Majeſty*, and alſo complained in *Parliament*, who voted to aſſiſt the King in requiring ſatisfaction accordingly; afterwards the *Lord Chancelour* deſired a conference with ſome of the perſons intereſſed to underſtand the merits of the caſe. Then *Francis* late *Earl of Shrewsbury* appeared perſonally before his Lordship and proteſted that 2500 £ Sterling all the money left in the Family was lent to Mr. *Courten* upon the *Eaſt-India* account, *Sr. John Ayton* and *Charles Woitaker* did the like, *Mrs. Bartlett* Siſter of *Endimion Porter*, *George Townſend* and many others appearing for themſelvs, and diverſe Orphants and Widdows, whoſe portions and Eſtates were all imbarqued with *Courten*, *Pyndar*, and *Littleton* which aggrevated the offences and injurie ſo far, that it was found abſolutely neceſſary by the King and his *Councell* to paſs an Eſpecial Grant for Repriſall to remain effectuall in all times untill ſatisfaction and reparation ſhould be made for the debt and Dammages awarded for the ſaid ſpoils injuries and Loſſes, as by the Letters Patents in the 25. Page at Large appears, which is ſuch an indiſpenſible act, that cannot be violated; And ſeverall neutrall Miniſters of State in Forraign Courts upon peruſing the ſaid Patent, and waighing all circumſtances, gave this Character of it; That it was an Act paſſed not onely by *King Charles* the *Great*, but by *King Charles* the *Juſt*.

Fiat juſtitia pereat mundus.

Six ſelect Articles of Peace and Alliance between *Charles the Second*, King of *Great Brettaign* &c. and the *States Generall* of the Seaven United *Provinces*, taken out of the Treaty Concluded at *Breda* the 21. of July Old Stile, 1667.

III.

ALſo, that all Offences, Injuries, Dammages, Loſſes, which His ſaid Majeſty and His Subjects, or the foreſaid States General and their Subjects have on either ſide ſuſtained during this Warr, or at any time whatſoever heretofore, upon what Cauſe or Pretence ſoever, be buried in Oblivion, and totally expunged out of Remembrance, as if no ſuch things had ever paſt.

IV.

Moreover, that all Ships, with their Furniture and Merchandiſe, and all Moveables, which during this War, or at any time heretofore have come into the Power of either of the forementioned Parties or their Subjects, be and remain to the preſent Poſſeſſors, without any Compenſation or Reſtitution; ſo as each one become and remain Proprietor and Poſſeſſor for ever of that which was ſo gotten, without any Controverſion, or Exception of Place, Time, or Things.

V.

Moreover, That all Actions, Suits, and Pretenſions, whatſoever they be or in what manner ſoever they have been reſtrained, circumſcribed, defined or reſerved in any Articles of Peace or Alliance already made, (and eſpecially in the fifteenth Article of that Treaty which was Signed in the year 1662.) which His ſaid Majeſty and the ſaid States General, or their Subjects, may or would proſecute or move againſt one another about ſuch matter or things as have happened during this War, or in any former times as well before as after the foreſaid Treaty of 1662, until the day of this preſent Alliance, be and remain void, obliterated and diſannulled; As His ſaid Majeſty and the ſaid States Generall ſhall declare, and they do hereby declare, That by vertue of theſe Preſents, they will for ever totally renounce, even as hereby they do renounce, all ſuch Actions, Suits and Pretenſions, for themſelvs and their Succeſſors, ſo as in regard of them nothing more may or ought ever to be urged on either ſide, and nothing to be moved thereupon hereafter.

VIII.

It is alſo Agreed, That under the foreſaid Renunciation and Stipulation, all Letters whatſoever of Reprizal, Marque and Counter-Marque, both general and particular, and others of that kind, by vertue whereof any Hoſtility may be exerciſed for the future, ought alſo to be reckoned and comprehended; and by the Publick Authority of this Alliance they are inhibited and revoked. And if any perſons of either Nation, after ſuch Revocation, ſhall nevertheleſs, under pretence or authority of ſuch Letters or Commiſſions already revoked, deſign any new miſchief, or act any Hoſtility, after the Peace is made, and the times ſpecified in the ſeventh Article are elapſed; they are to be looked upon as diſturbers of the Publick Peace, and puniſhed according to the Law of Nations, beſides an entire reſtitution of the thing taken, or full ſatisfaction of Damages, to which they ſhall be liable, notwitſtanding any Clauſe whatſoever to the contrary, which may be inſerted in the ſaid Letters revoked as aforeſaid.

XXIII.

That in caſe it happen during this Friendſhip, Confederacy and Alliance, any thing ſhall be done or attempted by any of the Subjects or inhabitants of either Party againſt this Treaty, or any part thereof, by Land, Sea, or Freſh-waters, That nevertheleſs this Amity and Alliance between the ſaid Nations ſhall not thereby be broken or interrupted, but ſhall remain and continue in its full force; and that only thoſe particular perſons ſhall be puniſhed, who have committed any thing contrary to this Treaty, by Land or Sea, or other Waters, in any part of *Europe*, or any places within the *Straits*, or in *America*, or upon the Coaſts of *Africa*, or in any Lands, Iſlands, Seas, Creeks, Bays, Rivers, or in any places on this ſide the *Cape of Good Hope*, within Twelve Moneth ſpace after Juſtice ſhall be demanded; And in all places whatſoever on the other ſide the *Cape* (as hath been aboveſaid) within Eighteen Moneths next enſuing after demand of Juſtice ſhall be made in manner aforeſaid. But in caſe the offenders againſt the Treaty do not appear, and ſubmit themſelvs to Judgement, and give ſatisfaction within the reſpective times above expreſſed, proportionable to the diſtance of the places, they ſhall be declared Enemies of both Parties, and their Eſtates, Goods, and Revenues whatſoever, ſhall be confiſcated for due and full ſatisfaction of the injuries and wrongs by them offered; and their perſons alſo, when they come within the Dominions of either Party, ſhall be liable unto ſuch puniſhments as every one ſhall deſerve for his reſpective offences.

XXXII.

It is alſo agreed, If at any time it happen (which God of his mercy forbid) that the Differences now compoſed between His ſaid Majeſty and the ſaid States General, ſhould feſter, and break out again into open War, that then thoſe Ships, Merchandiſe, or any kind of Moveables of either party, which ſhall be found to be and remain in the ports, and under the command of the adverſe party on either ſide, ſhall not for all that be confiſcated, or made obnoxious to any inconvenience; but the ſpace of ſix moneths ſhall entirely be allowed to the Subjects and Inhabitants of either party, that they may have leiſure to tranſport from thence the forementioned things, and any thing elſe that is theirs, whither they ſhall think fit, without any kind of Moleſtation.

Severall Arguments raiſed upon theſe Articles, and diverſe objections thereupon anſwered in the 53. *page hereafter following.*

Three

Three ſelect Articles of Peace and Alliance between *Charles the ſecond* King of *Great Brittaign*, &c. and *Frederick the third* King of *Denmark* and *Norway*, taken out of the Treaty concluded at *Breda*, the $\frac{21}{31}$ of July, 1667.

I.

FIrſt, It is Covenanted, Concluded and Agreed, That there be from this day a perpetual, firm, and inviolable Peace between the moſt Serene and moſt Mighty Prince *Charles* the Second, King of *Great Brittain*, and the moſt Serene and moſt Mighty Prince *Frederick* the Third, King of *Denmark* and *Norway*, between their Heirs and Succeſſors, and their Kingdoms, Principalities, Earldoms, Iſlands, Cities, Forts, Lands, Subjects and Inhabitans of what ſtate and quality ſoever: And ſo as to maintain and promote each others good no leſs then their own, and to avert and hinder with all poſſible ſtudy the damage and deſtruction of one another. And in this reſpect it ſhall be free for the Subjects of either King to exerciſe a Mutual Navigation and Commerce without moleſtation, and with their Merchandiſes to come to each other Kingdoms, Provinces, Marts, Ports, and Rivers, and there to abide and traffik.

III.

It is alſo Agreed and Concluded, That all Differences on both ſides, Suſpicions and ill will, both on the part of the moſt Serene King of *Great Britain*, and on the part of the moſt Serene King of *Denmark*, &c. and likewiſe for ſingular the Miniſters, Officers, and Subjects of them, be buried and aboliſhed by a perpetual Oblivion. And further from this preſent ſhall expire, be annulled and for ever cancelled all Damages, Offences, Injuries by word or writing, that either the one has done the other, or has been ſuffered by the one from the other, from the very firſt beginning of the now ceaſing War to this day, and the determined point of time wherein all Diſſentions, Diſcords, Differences and Enmities ſhall ceaſe and be laid aſide: By name, the Aſſault and Defence made at *Bergen* in *Norway*, and in whole, whatſoever either followed from thence, or does thereupon depend: in ſuch manner, as that neither of the ſaid Parties by reaſon of any damage of this kind, offence, or charges, do under any pretence whatſoever cauſe the other any trouble, much leſs for this cauſe endeavour or attempt any kind of Hoſtility.

V.

All Ships, Goods, or the like, that in this turbulent ſeaſon, in the heat of this very War between both the abovementioned Kings and their Subjects, have been taken by the one from the other, or that either Party has confiſcated and ſeized on the Goods and Pretenſions of Perſons or Subjects of the other Nation; as alſo all the Expences of War on both ſides, ſhall be compenſated by alike mutual Abolition. In ſuch manner, as are together comprehended in this Compenſation, thoſe Debts of the Subjects of the King of *Great Britain*, which have been on the part of *Denmark* confiſcated; but in this ſenſe, That whatever Debts of this kind unto the Tenth Day of *May* Old Stile, and Twentieth New Stile, by vertue of Confiſcation or Repriſals have been by Subjects paid and received, do remain utterly aboliſhed and ſatisfied; and that it be not lawful for the Creditors of ſuch Debts for the future to pretend any thing upon this account, much leſs to urge payment of ſuch for any reaſon, or under any pretence whatſoever. But of ſuch Debts, as on the ſaid day have not been paid and received, it ſhall be lawful for the Creditors, Subjects of the King of *Great Britain*, to demand and proſecute the Payment, by the ordinary way of Juſtice. Excepting nevertheleſs 120000. Rixdollars, more or leſs, (namely accruing from a certain Controverſie, which aroſe between *Chriſtian* the Fourth of moſt glorious Memory, King of *Denmark* and *Norway*, and the Parliament of *England*, by reaſon of ſending Aid to *Charles* the firſt of moſt glorious Memory, King of *Great Britain*) for which the King of *Denmark* and *Norway* bound himſelf, and gave his Bond to a Company of certain Engliſh Merchants Trading at *Hamburgh*, and there either now living, or that have heretofore lived; Which claim of 120000. Rixdollers or thereabouts, being confiſcate, ſhall be now by vertue of the preſent Treaty accounted as null, dead, and utterly aboliſhed, in ſuch manner, that the Creditors of that Debt are not either now, or at any time hereafter therefore to demand or pretend any thing. In like manner as is alſo Covenanted and Agreed in moſt ſignificant words, That no Pretenſion ſhall be at any time made, by reaſon of Ships and Goods ſo ſeized, and Debt or Money lent, in ſuch manner as aforeſaid aboliſhed and confiſcated; but that all ſhall on both ſides by a Solemn Compenſation be for ever accounted as null and void: Yet ſo, that Lands and immoveable Goods be not comprehended in the aforeſaid Voidance and Annullation, but that they be without any difficulty or impediment reſtored back to thoſe, who before the denouncing of the preſent War were the Poſſeſſors and Proprietors of them.

Six ſelect Articles of Peace and Alliance between *Charles* the Second King of *Great Brittain*, &c. and *Lewis* the Fourteenth the moſt *Chriſtian* King, taken out of the Treaty, conluded at *Breda* the 21. of July, 1667.

I.

THat there be an Univerſal, Perpetual, True and Sincere Peace and Amity between the moſt Chriſtian King and the King of *Great Britain*, their Heirs and Succeſſors, and between the Kingdoms; States, and Subjects of both; and that the ſame be ſo ſincerely and ſeriouſly obſerved and kept, that one ſhall promote the honour and advantage of the other; and that a faithful Neighbourhood, and ſecure obſervation of Peace and Friendſhip may flouriſh again on every ſide.

III.

That all Offences, Injuries, Dammages, which either of the ſaid Kings or their Subjects have ſuffered from the other during this War, be buried in Oblivion; ſo that neither in regard of them, nor for the Cauſe or Pretence of any other thing, neither party, nor the Sub-

Subjects of either, ſhall hereafter do or cauſe to be done or made, any Hoſtility, Enmity, Moleſtation or Hindrance to the other, by himſelf or by others, ſecretly or openly, directly or indirectly, by colour of Right or way of Fact.

IV.

That the uſe of Navigation and Commerce be free between the Subjects of both the ſaid Kings, as it was anciently in the time of peace, and before the Denunciation of the late War; ſo that every one of them may freely come into the Kingdoms, Provinces, Marts, Ports and Rivers of either party, bringing their Merchandiſe, and Converſing and Trading there without Moleſtation.

XVI.

That all Letters as wel of Reprizal, as of Marque and Countermarque, which hithertho have been granted on either ſide for any cauſe, ſhall be and be held null and void; Nor ſhall any the like Letters be hereafter granted by either of the ſaitl Kings againſt the Subjects of either; unleſs it be firſt made manifeſt that Right hath been denied, and unleſs he who deſires Letters of Reprizal to be granted unto him, do firſt draw and preſent his Petition to the Miniſter reſiding in the Name of that Kingdom againſt whoſe Subjects thoſe Letters are deſired; that he within the ſpace of Four Moneths, or ſooner, may enquire into the contrary, or procure that ſatisfaction be with al ſpeed made from the party offending to the Complainant. But if that Kingdom againſt whoſe Subjects Reprizals are demanded, have no Miniſter reſiding there, Letters of Reprizal are not to be granted till after the ſpace of Four Moneths to be reckoned from the day whereupon his Petition was made and preſented to the King againſt whoſe Subjects Reprizals are deſired, or to his Privy Council.

XVII.

Then to cut off all matter of Quarrel and Contentions, which might ariſe in regard of the Reſtitution of Ships, Merchandiſe, and other Moveables, which either Party may complain to be taken and detained from the other in Countreys and Coaſts far diſtant, after the Peace is concluded, and before it be notified; All Ships, Merchandiſe, and other Moveables which ſhall or may be gotten by either ſide after the Subſcription and Publication of the preſent Agreement, within the ſpace of Twelve Days in the Neighbouring Seas; within the ſpace of ſix Weeks from the ſaid Neighbouring Seas unto the Cape of *St. Vincent*, then within the ſpace of Ten Weeks beyond the ſaid Cape on this ſide of the *Æquinoctial Line*, or *Æquator*, as well in the Ocean and *Mediterranean* Sea, as elſewhere; Laſtly, within the ſpace of ſix Moneths beyond the bounds of the foreſaid Line through the whole World; ſhall be and remain unto the Poſſeſſors without any exception or further diſtinction of time or place, or any conſideration to be had of Reſtitution or Compenſation.

XVIII.

But if (which God of his mercy forbid) the Differences now compoſed between the ſaid Kings ſhould at any time feſter, and break out again into open War, the Ships, Merchandiſe, or any kind of Moveables of either Party, which ſhall be found to be and remain in the Ports, and under the Command of the adverſe Party on either ſide, ſhall not be Confiſcated, or made obnoxious to any inconvenience, but the ſpace of ſix Moneths ſhall entirely be allowed to the Subjects of either of the ſaid Kings, that they may carry away and tranſport the foreſaid things, and any thing elſe that is theirs, whither thay ſhall think fit, without any moleſtation.

Seven ſelect Articles, of Peace, Commerce, and Alliance, between the Crowns of *Great Brittain* and *Spain*, taken out of the Treaty concluded at *Madrid* the $\frac{13}{23}$ May, 1667.

I.

Firſt, It is Agreed and Concluded That from this day forward there ſhall be between the two Crowns of *Great Brittain* and *Spain*, a General, Good, Sincere, True, Firm and Perfect Amity, Confederation and Peace which ſhall endure for ever, and be obſerved inviolably, as well by Land as by Sea and Freſh-waters; and alſo between the Lands, Countreys, Kingdoms, Dominions and Territories, bolonging unto, or under the obedience of either of them. And that their Subjects, People and Inhabitans reſpectively, of what condition, degree or quality ſoever, from henceforth reciprocally, ſhall help, aſſiſt, and ſhew to one another all manner of Love, good Offices, and Friendſhip.

VIII.

That the Subjects and Vaſſals of the Moſt Serene King of *Great Britain* may bring and carry to all and ſingular the Dominions of the King of *Spain*, any Fruits and Commodities of the *Eaſt-Indies*, it appearing by teſtimony of the Deputies of the *Eaſt-India* Company in *London*, that they are of, or have come from the *Engliſh* Conqueſts, Plantations or Factories, with like priviledge, and according to what is allowed to the Subjects of the United Provinces, by the Royal *Cedulus* of *Contravando* bearing date the 27. of *Iune*, and the 3. of *Iuly* 1663. and publiſhed on the 30. of *Iune*, and 4. of *Iuly* the ſame year. And for what may concern both the *Indies*, and any other Parts whatſoever the Crown of *Spain* doth grant to the King of *Great Britain* and his Subjects, all that is granted to the United States of the Low-Countryes and their Subjects in their Treaty of *Munſter* Point for Point, in as full and ample manner as if the ſame were herein particularly inſerted, the ſame Rules being to be obſerved, whereunto the Subjects of the ſaid United States are obliged and mutual Offices of Friendſhip to be performed from one ſide to the other.

That

IX.

That the Subjects of the King of *Great Britain*, trading, buying and ſelling in any of the Kingdoms, Governments, Iſlands, Ports or Territories of the ſaid King of *Spain*, ſhall have, uſe, and enjoy all the Priviledges and Immunities, which the ſaid King hath granted and confirmed to the *Engliſh* Merchants that reſide in *Andaluzia*, by his Royal *Credulas* or Orders, dated the 19. day of *March*, the 26. day of *June*, and the 9. day of *November* 1645. His Catholique Majeſty by theſe preſents reconfirming the ſame as a part of this Treaty between the two Crowns. And to the end that it be manifeſt to all, It is conſented, That the ſaid Schedules (as to the whole ſubſtance thereof) be paſſed and transferred to the body of the preſent Articles, in the name and favour of all and ſingular the Subjects of the King of *Great Britain*, reſiding and trading in any Places whatſoever within his Catholique Majeſties Dominions.

XX.

And to the end that all Impediments be taken away, and that the Merchants and Adventurers of the Kingdom of *Great Britain* be permitted to return to *Brabant*, *Flanders*, and other the Provinces of the Low-Countries, under the Juriſdiction of the King of *Spain*, Foraſmuch as it hath been thought convenient, that all, and any the Laws, Edicts, and Acts by which the Importation of Cloth, or any other Woolen Manufacture, of what kind ſoever, dyed, or undyed, mill'd, or unmill'd, into *Flanders*, or the other Provinces, hath been prohibited, be revoked and diſannulled, and that if any Right, Tribute, Impoſition, Charge or Money, hath been, with permiſſion, or otherwiſe, put upon Cloaths, or any of the fore ſaid Woolen Manufactures ſo Imported (except the ancient Tribute upon every piece of Cloth, and proportionably upon every other Woollen Manufacture, agreeable to the ancient Treaties and Agreements between the then Kings of *England*, and the Dukes of *Bourgundy*, and Governours of the Low-Countries) the ſame ſhould be altogether void, and no ſuch Tribute or Impoſition from henceforth impoſed, or put upon the ſaid Clothes or Manufactures, for no cauſe or pretext whatſoever; And that all the *Engliſh* Merchants, trading in any of the ſaid Provinces, their Factors, Servants, or Commiſſioners, ſhould enjoy from henceforward, all the Priviledges, Exemtions, Immunities, and Benefits, which formerly have been agreed and given by the aforeſaid ancient Treaties and Agreements, between the then Kings of *England*, and the Dukes of *Bourgundy*, and Governours of the Low-Countries: It is therefore agreed That Deputies ſhall be named by the King of *Great Britain*, who meeting with the Marqueſs of *Caſtel Rodrigo*, or the Governour of thoſe Provinces for the time being, or any other Miniſters of the King of *Spain*, ſufficiently authoriſed in this behalf, ſhall friendly Treat and Conclude hereupon; and alſo ſuch further Priviledges, Immunities, and neceſſary Exemptions, ſuitable to the preſent ſtate of Affairs, ſhall be granted for the encouragement of the ſaid Merchants and Adventurers, and for the ſecurity of their Trade and Commerce, as ſhall be agreed upon in a ſpecial Treaty, that ſhall be made between both the Kings, touching this Particular.

XXVIII

And that the Laws of Commerce that are obtained by Peace, may not remain unfruitful, as would fall out if the Subjects of the King of *Great Britain*, when they go to, come from, or remain in the Dominions or Lordſhips of the King of *Spain*, by reaſon of their Commerce or other buſineſs, ſhould be moleſted for caſe of Conſcience, therefore that the Commerce be ſecure, and without danger, as well upon Land as at Sea, the ſaid King of *Spain* ſhall provide, that the Subjects of the ſaid King of *Great Britain* ſhall not be agrieved contrary to the Laws of Commerce, and that none of them ſhall be moleſted or diſturbed for their Conſcience, ſo long as they give no publique ſcandal or offence; and the ſaid King of *Great Britain* ſhall likewiſe provide, for the ſame reaſons, that the Subjects of the King of *Spain* ſhall not be moleſted or diſturbed for their Conſcience, againſt the Laws of Commerce, ſo long as they give no publique ſcandal or offence.

XXXIV.

That the Goods and Eſtates of the Subjects of the King of *Great Britain*, that ſhall die without making a Wil in the Dominions of the King of *Spain*, ſhall be put into Inventry with their Papers, Writings, and Books of Accompt, by the Conſul or other publique Miniſter of the King of *Great Bitain*, and depoſited in the hands of two or three Merchants that ſhall be named by the ſaid Conſul, or publique Miniſter, to be kept for the Proprietors and Creditors; and neither the *Crueda*, nor any other Judicatory whatſoever, ſhall intermeddle therein; which alſo in the like caſe ſhall be obſerved in *England* towards the Subjects of the King of *Spain*.

Arguments upon the 3, 4, 5, and 8. Articles of the Treaty concluded at *Breda*, between the *King of Great Britain*, and the *States Generall*.

THe Governours, Directours and high Participants of the East *and* West Indian Companies *of the* Netherlands *are the Magiſtrates of the chief Cities and Towns in* Holland *and* Zealand, *whoſe Officers and Miniſters abroad are thoſe perſons that have acted and cauſed to be done all thoſe injuries, offences, dammages, and loſſes mentioned in the* Third Article of the Treaty at Breda.

And all actions, Suits, and pretences whatſoever, mentioned in the fourth and fifth Articles of the Treaty, proceeded from the ſaid Injuries, Offences, Dammages and Loſſes, and were to be proſecuted in the Kings Name, as (Crimen Læſæ Majeſtatis) *Capital Crimes againſt the Publick Peace.*

But under the notion of thoſe Injuries, Offences, Dammages and Loſſes for ſpoils and depredations, cannot be comprehended any private or particular dealings between Man and Man, nor any Covenants, Obligations, Contracts, or Merchants Accounts yet the Hollanders *and* Zealanders *would have them applicable to the Generall Words of* all Actions, Suits, and Pretences whatſoever, *without diſtinction of place, time, or things, as in the Caſe between* Fletcher *and* Pergens (wherein the States of Holland have by their Order on the 10. of September laſt prohibited the Magiſtrates of Amſterdam, the Provintiall Court and the Supream Court of Judicature at the Hague from doing any ordinary Juſtice for money received upon a Contract, and Aſſignation of 5500 pounds as hereafter appears) *and ſo at one blow would deſtroy all mutual Society and Commerce. If the words ſhould contain* (or be underſtood) *all pretences generally whatſoever, no Bills of Exchange, or debts contracted*

tracted on either ſide ought to have been paid, that were contracted or owing before the Treaty. No Action upon a particular & Civill account can be extinguiſhed by generall words in a Treaty unleſs a confiſcation thereof be firſt expreſſed in terminis, or ſpecially as the King of Denmarks, *debt upon obligation to the Merchants Adventurers of* Hamburg, *who may expect in due time ſome anſwerable reparation, from the Crown of* England.

It is againſt the rules of Juſtice and Equity, and all Morall principles to hinder any man the ordinary courſe of Law in Civil and particular Actions. Its granted that Soveraign Princes *and* States *may renounce for themſelvs and their ſucceſſours all ſuch Actions, Suits, and pretences whatſoever that ariſe upon Injuries, Offences, Dammages and Loſſes where they are brought in the Name of the* Soveraign Power *or that muſt be moved in a way of State.*

In all Acts of Generall Pardon there are ſeverall exceptions (and a ſalvo Jure) *to particular mens intereſts.*

In caſes of Murther Appeals are brought ſometimes at the ſuits of the party after acquitall in the Kings Action.

Beſides there is a Court of Conſcience in all mens breaſts, and no Soveraign Power *in the World can hinder any man from adminiſtring Juſtice and Equity to his party, wich remains in his own power to do; when he is convinced; that he hath don him wrong: But the* Eaſt *and* Weſt India Companies *of the* Netherlands; *will neither do right of themſelvs, nor be compelled thereunto by others, for any thing in that great liſt of Dammages againſt them mentioned in the* 15. Article of the Treaty 1662.

Now as to the 8. *Articles,* John de Wit *wanted words to mortifie that ſpeciall action, which remain upon record: Yet he ſaith, it ought to be reckoned and comprehended under the Generall Notification and extinguiſhment, (words never found out before* John de Witt *was Chancellor of* Holland, *which came home to him & his* Brother *at laſt) But how a Patent under the Great Seal of* England *granted ſuch waighty conſideration can be revoked,* John de Wit *could find no preſident without ſatisfaction.*

It is true all other Injuries, offences, Dammages, and Loſſes remained in nubibus *and nothing was made cleare and reduced to a certainty but the* Bona Eſperanza, *and* Henry Bona Adventura, *which without all doubt, will yet make a good voyage, in time for the remaining Effects although they have met with many ſtorms and tempeſts.*

The Copy of a Patent containing ſeveral Gracious Priviledges lately granted by the High and Mighty Philip *the Fourth, King of* Spain, *&c.* Tranſlated out of Spaniſh, in the year e 1645. *renewed* and *confirmed* Anno 1667.

DON PHILIP, by the Grace of God, King of Caſtile, Leon, Arragon, the two Sicilies, Jeruſalem, Portugal, Navarre, Granado, Toledo, Valencia, Galicia; Majorca, Sivilla, Sardinia, Cordua, Corſega, Murica, Jaen, the Algarves, Algeſira, Gibraltar, the Iſlands of the Canaries, the Eaſt and Weſt Indies, Iſlands, and firm Land of the Ocean Sea, Arch-Duke of Auſtria, Duke of Burgundy, Brabant, and Milan, Earl of Haſpurg, Flanders, Tirol, and Barcellona, Lord of Biſcay and Molina, &c.

WHereas on the behalf of you Richard Anthony, Conſul of the Engliſh Nation for your ſelf, and in the Name of the Subjects of the King of Great Britain, it hath been ſhewed unto us, That by vertue of the Peace which is concluded in this and that Realm, you do reſide and trade in Andaluſia, and ſpecially in the Cities of Sivil, St. Lucar, Cadiz, and Malaga, deſiring us to be pleaſed to confirm unto you the priviledges, exemptions and faculties which do belong unto you as well by the Articles of the ſaid Peace, as by the Confirmations thereof, and other Favours and Graces which our Lord and Father of glorious memory did grant unto you, and all ſuch others which have been given you by the Crowns of our Realms of Caſtile and Portugal, and to command that they may be in, and for all things obſerved and accompliſhed unto you without any limitation, and for further aſſurance to grant them anew unto you, with the qualities, amplitudes and declarations which ſhall be moſt convenient for you; and to ſet Penalties upon ſuch as ſhall contradict, and not obſerve them unto you; and to the end it may be known what they are, to grant them Copies thereof, or of that which our favour ſhall be: And we taking the Premiſes into conſideration; and becauſe for the occaſions which we have for our Wars, you have offered to ſerve us with 2500. Dukets of Silver, to be paid one Thouſand ready money, and the remaining one Thouſand five Hundred in the Moneth of April of this Year; whereof the Licentiate Francis Moreno, which in reverſion of Don Anthony de Campo Rodondo y Rio, Knight of the Order of Santiago, one of our Concil and Chamber, and of the Creaſury, in your name, and by vertue of your power did acknowledge a Writing of Obligation in form before Iohn Cortez de la Cruz, our Notary, we do hold it for good; And by theſe Preſents, of our own motion, and certain knowledge, and Royal and abſolute Power, which we in this behalf will make uſe of, and do uſe as an abſolute King and Lord, not acknowledging any Superior in matters Temporal, do confirm and approve the Priviledges, Exemptions, and Faculties which do belong unto you as wel by the Articles of the ſaid Peace, as by the Confirmation thereof; and alſo the other favours and graces which our Lord and Father dit grant unto you and others whatſoever, which have been given by our Crowns of Caſtile and Portugal unto the ſaid Subjects, in and for all things as therein, and every thing and part thereof is ſpecified, contained, and declared, to the end they may be firm, ſtable, and of value, and be obſerved, kept and accompliſhed unto you: For our deliberate intent and will is, that all thoſe of the ſaid Nation ſhall enjoy thereof without any limitation, in ſuch manner, that during the time the ſaid Engliſhmen ſhall reſide in Andaluzia, neither you nor they may be charged with any Office or publick Charge, nor Council, Tutorſhip, Curatorſhip, Receivers or Treaſurers, although they be of Cuſtomes and Millions, or other Services which concern our Royal Creaſury; and much leſs they may demand of you any Loans or Donations, or take from you any Rights, or your Rents, Horſes, or Slaves: And to do you the more favour or grace according to that which is agreed by the ſaid Peace, we do will and promiſe that you ſhall and may deal and trade freely, and ſell your Merchandiſe and Fruits, and buy thoſe of my Realms, and carry them forth, obſerving that which is ordained and commanded by the Laws and Statutes which make mention thereof, and paying to our Royal Creaſury the Duties or Cuſtoms which ought to be paid; prohibiting, as we do prohibit and command, not to take from you by force any Merchandiſes, Wheat, or Barley, although it be for the making ready or furniſhing our Armies, Fleets or Gallions, nor for Purveyors or Stewards; and the Priviledges are

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to be concerning the Wheat and Barley according to the Tun; and concerning the other things and Merchandiſes, as you ſhal conclude and agree: but they may not take them out of your Poſſeſſion until they have paid for them, unleſs for the ſame there be leave given, that they do not moleſt and trouble you. And forasmuch as many of you do treat to bring into the Ports of Andaluzia, the City of Sivil, and other places, great quantity of New Foundland-Fiſh, and other ſorts of dry and ſalted Fiſh, becauſe they are Victuals which are very neceſſary; and that you have been and are put to great Charges, and are much troubled, We do will and command to be kept the Ordinance of the City of Sivil, whereby it is ordained, that thoſe which come in with dry or ſalted Fiſh, there ſhal not be any Price or Rate ſet upon them, but they ſhall be permitted to ſell at ſuch a Price as they ſhall think good; and it ſhall not be neceſſary to manifeſt them any more then unto our Officers which receive our Royal Rents: and if the Ships wherein the ſaid Fiſh is brought be great Ships, that they cannot go up the River, and that the ſame be put into Barques or Lighters, the Judge of the Admiralty nor any other perſon may not put any Waiters or Keepers into the Barques or Lighters at the charge of the Owners of them.

And we do alſo command, That if the ſaid Fiſh ſhall appear to be rotten, and that it cannot be ſpent, that it be burnt, or thrown into the Sea; and that for this cauſe there ſhall not be any Cauſe or Action commenced againſt the Owners thereof, or perſons which ſhall ſell it, nor they ſhall not be impriſoned, nor informed againſt. And forasmuch as the officers of the Cuſtoms, and others of divers duties which are received for the Fruits and Merchandiſes, do uſe when any perſon doth inform, to have the defendant impriſoned which sheweth himſelf to be party, whereby happeneth to men of Trade great diſcrepit, charges and berations; Our will is, and we do command, That in the ſaid Information there ſhall be onely proceeded againſt the Merchandiſes, and not againſt the perſons; but they ſhall be permitted (as we do permit them) to make; and they ſhall make their defences in the ſaid Beration. And forasmuch alſo, as according to an Articles of the ſaid Peace, which maketh mention of matters in Religion, notwithſtanding that in ſome Suits they ſhould declare whether they be Roman Catholiques or not, excuſing themſelves to give faith to others which they take as parties or as witneſſes.

We do alſo command, That concerning this matter there be not done, nor there ſhall not be done, any thing with thoſe which are born in the ſaid Realm, but onely that the ſaid Condition be kept and accompliſhed, and that no ſuch queſtions be put unto them, giving unto the oaths which they ſhall take in Judgement Court, and without, the ſame faith and credit which ſhould be given in caſe they were Spaniards, and herein you ſhall not receive any trouble or moleſtation nor there ſhall no grievance be done unto you: And whereas for the juſtification of ſome cauſes, the Judges and Juſtices do pretend that the Merchants of the ſaid Nation ſhould exhibit Books of their contractions or dealings; we do will and command, that the Books of the Merchants of the ſaid Nation ſhall not be taken out of their hands for any cauſe whatſoever, but they ſhall keep and ſhew them in their houſes, to take out the part which ſhall be appointed, and others ſhall not be demanded of them, nor there ſhall not be any other Papers taken from them, upon penalty that he which ſhall do here againſt ſhall be puniſhed according to Law.

And forasmuch as the Merchants do diſpatch the Merchandiſe from the Cuſtom houſe of the ſaid City of Sivil of all Duties, and becauſe there are many which do make up a ſheet, which is Subſcribed and Signed by all the Officers, and remaineth in the hand of the Alcayde of the Cuſtom-houſe; for that by vertue thereof, the Merchandiſes are permitted go to forth, which are in Fardels, Packs, Trunks and Caſes; and afterwards when they have taken them forth, and put them into their Houſes and Warehouſes, the chief Keeper of the Cuſtomhouſe, and the Officers of the half per Cent, do viſit the Houſe and Goods, troubling and moleſting them, demanding of them the diſpatches, it ſeeming unto them, that they may detain them, becauſe they left the diſpatch in the hands of the ſaid Alcayde of the Cuſtom-houſe; we do prohibit and command, that the houſes of the ſaid Merchants ſhall not be viſited, nor the diſpatches ſhall not nor may not be demanded of them, in regard they have them not in their hands; and this is to be underſtood, and is underſtood of houſes which are within the Walls of the ſaid City; and to the end it may be known to you which are of the Engliſh Nation there is to be delivered unto you copies of the ſaid Priviledges and Exemptions which do concern you, and which were granted unto you; as well by the Articles of Peace, as by any other manner. And for execution and accompliſhment of all Premiſſes, we do command thoſe of our Council, and thoſe of our Councils, Aſſemblies and Tribunals of our Court, and the Preſidents and Judges of our Audiences, Alcaydes, and Officers of our Houſe and Court, and Chanceries, and the Regent and Judge of the Court of Degrees of the City of Sivil, and chief Alcaldes of the Precincts thereof, and all the Corrigidors, Aſſiſtants and Governours chief Juſtices, and Ordinaries, as well in the ſaid Cities of Sivil, Cadiz, Malagar, and St. Lucar de Barameda, as of all other Cities, Towns and Places of theſe our Realms and Dominions, and all other Judges and Juſtices whatſoever, of what quality or condition ſoever they may be, whom principally or incidentally may concern in any manner the amplishment or performance of that which is contained in this Patent, that preſently ſo ſoon as they ſhall be by vertue thereof required, or the Copy thereof Signed by a Notary publick, that there be thereunto given as much faith, as unto the Original: and that every one in the place where it ſhall concern him do obſerve, and accompliſh, and cauſe the ſame to be obſerved, accompliſhed, and executed, in and for all things as therein is contained, and they ſhall not in all nor in part put upon you any impediments, nor any other difficulties or doubts, nor do any thing againſt the tenor and form thereof, nor conſent or give way that it be interpreted, limited or ſuſpended in all or in part, or that to the contrary be given any Cedulas, proviſions, or other diſpatches; but for obſervation thereof, in the place which ſhall concern every one, they ſhall give order, and ordain to deliver unto you thoſe which ſhall be neceſſary: and for more firmneſs and validity of the favour and grace which by this our Patent we do grant you, and that at all times this favour may be certain and ſure unto you, you are to keep or have a Judge Conſervator in Andaluſia, eſpecially in the ſaid Cities of Sivil, Malaga, Cadix, and St. Lucar de Barameda, unto whom we are to give ſufficient Commiſſion for keeping and accompliſhing the ſaid Priviledges, Liberties and Exemptions, who ſhall conſtrain and compell all and whatſoever perſons, of what ſort or quality they may be that ſhall concern the ſaid Nation, as well thoſe which ſhall be Defendants accuſed, as thoſe which ſhall be Plaintiffs; although the perſons which ſhall accuſe them, and which ſhall be accuſed by them, have private Judges, as well by conſent as agreement which they may have made by preeminence or priviledge which they hold, to the end the ſaid Judge Conſervator may onely take knowledge privately of the ſaid Courts, and not any other Judge or Tribunal, although it be by way of exceſs or notorious Juſtice, or in any other matter or form; which Judge Conſervator is now Doctor Don Franciſco de Vergara, Judge of our Court de les Grados, of the City of Sivil the time that he ſhall aſſiſt therein, and in his abſence the Licentiate Don Franciſco de Modrano, Judge of the ſame Court, who for the ſuits which ſhall be commenced in the ſaid Cities of Cadiz, Malaga, & St. Lucar, is to ſubdelegate his Conſervatorſhip, in the perſon which by the ſaid Nation ſhall be propounded or named, that he may effect

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the ſame to the concluſion, and they ſhall be referred unto him to be determined: and of that which he ſhall determine, the Appeal is to be made to our Councel, and not to any other Court.

And foraſmuch as our will is, that every one in his time ſhall have primitive Commiſſion, and Juriſdiction to protect and defend you concerning all the contents of this our Patent, that all the ſame may be kept and accompliſhed in the form which we do offer the ſame unto you, we have found good to charge, as by theſe preſents we do charge them with the protection and defence hereof: and we do command them to ſee or peruſe this our Patent, and the qualities, conditions, pre-eminencies, and amplifications therein contained, and to cauſe all the ſame to be kept, accompliſhed and executed, in ſuch form and manner, and according as therein is contained and declared, without conſenting or giving way, that in all, or in part there be made into you any doubt or difficulty, and before the ſaid Don Franciſco de Vergara, or in his abſence before the ſaid Francis de Modrano (and not before any other Judge) privately in the firſt inſtance, are to paſs, and be followed all the cauſes and ſuits, which concerning the premiſſes, or any thing or part thereof ſhall be moved and cauſed, and the execution and puniſhment of thoſe which ſhall not be obedient; for our will is, that the knowledge and determination of all the contents in this our Patent, is in all things privately to concern, and ſhall concern them; proceeding in all things againſt thoſe which ſhall be culpable, and executing for the ſame the penalties, which are mentioned by law, reſerving as we do reſerve, that appellations which ſhall be put in upon their acts and ſentences, to our Councel, and not any other Court, without that any of other our Councils, Tribunals, Courts, Chanceries, or any other Judges or Juſtices of our Realms or Dominions, of whatſoever quality they be, may meddle, or ſhal meddle therewith, or in the uſe or exercice of the Juriſdiction privative in the ſaid firſt inſtance, which by this our Patent we do grant unto them, by way of exceſs, appellation, or any other recourſe or manner; the which and every of them, we do inhibit and hold for inhibited, the knowledge thereof, and do declare them for incompetent Judges thereof: for which and every thing, and part thereof, we do give them the moſt ſufficient power, and moſt ample Commiſſion, which according to Law is required and neceſſary, with the incidences and dependencies, annexities; and after them the ſaid Engliſh Nation of the ſaid City of Sivil, may name in the ſaid Commiſſion one of the Judges of the ſaid Audience, which the ſaid Nation ſhall chuſe: and we do command the Preſident, and thoſe of our Councel of the Chamber, that preſenting before them their nomination (the caſe happening) to make void the ſaid Commiſſion, by promotion or vocation of the ſaid Don Franciſco de Vergera, and Don Francis de Modrano, or to diſpatch it, in any other manner, by Ordinary, to him that ſhall be therein nominated, in the form according, and as by this our Patent is declared. And that it may be the better accompliſhed, we do from this time give them power and authority, that they may Subdelegate, and they ſhall Subdelegate this Commiſſion, for the buſineſs and Suits which ſhall be offered in the ſaid Cities of Cadiz, Malaga, and St. Lucar de Barameda, in the perſon which by you ſhall be propounded unto them, that they may ſubſtantiate them for a concluſion, and remit the Suits and Cauſes unto them to be determined, in ſuch manner as they ſhall find good and convenient, for the ſecurity of that which is contained in this our Patent. And we do charge the moſt excellent Prince, Don Balthaſar de Gharles, our moſt dear and moſt beloved Son, and do command the Infants, Prelates, Dukes, Marqueſſes, Earls, Richmen, Commanders, and under Commanders, Governours of Caſtels, ſtrong Houſes, and Plains, and thoſe of our Council, Preſidents, and Judges of our Courts, Alcaydes, and Officiers of our Houſe, Court and Chanceries, and all the Corrigidors, Aſſiſtants, Gouvernors, Alcaldes, Majors, and Ordinaries, and whatſoever Judges and Juſtices of theſe our Realms and Dominions, to obſerve and accompliſh, and cauſe to be obſerved and accompliſhed, this our Patent, and the favour or Grace which thereby we do grant you, and againſt the tenor and form thereof, not to do or paſs, now, nor at any time, in any manner perpetually for evermore; Nor to conſent or give way to be limited or ſuſpended unto you all or part thereof, notwithſtanding whatſoever Laws or Statutes of theſe our Realms and Dominions, Ordinances, Stile, Uſe, or Cuſtom of the ſaid Cities of Sivil, Cadiz, Malaga, or St. Lucar, or any other thing which is or may be to the contrary; the which for this time, for ſomuch as concerneth this matter, holding the ſame here for inſerted and incorporated, as it were word for word written, we do diſpence, abrogate, derogate, cancel, annihilate, and make void and of none effect, remaining in full force and effect for all other things henceforward. And for this our Patent, Jeronimo de Canence, Auditor of Accompts, in our chief Office of Accompts, and our Secretary of the Mediaenate ſhall take a Copy, at whoſe Charge in the accompt and reaſon of this right. And we do declare, that for this favour you have paid the duty of the Mediaenate, which amounteth to thirty and five thouſand one hundred fifty and five * Maravediz in Silver: which ſumme you are to pay from fifteen to fifteen years perpetually, and in caſe they do accompliſhed or end, you may not make uſe of this favour, untill ſuch time as it ſhall firſt appear that you have ſatisfied this Duty. And you are alſo to pay the Judge Conſervator, which ſhall be named, his Salary, or to help to bear his charges, which he ſhall enjoy for his labour or pains in the ſaid buſineſs before you ſhall enjoy thereof, which is to appear by Certificate of the Office of this Duty. Given in Saragoſa, the nineteenth day of March. Anno 1645.

* Maravediz is a Spaniſh coyne, whereof 32 makes a Royall of 8. the whole ſum contains 30 pounds Sterling or thereabouts.

Three ſelect Articles taken out of the Treaty of Peace and Common Alliance between *Charles* the Second, King of *Great Britain*, and the *States Generall* Concluded at *London* the $\frac{9}{19}$ February, $167\frac{3}{4}$. with the Preamble and deputations to the Commiſſioners of both parties taken from the Originalls in *Latin* and *French*.

QUandoquidem, ut extingueretur funeſtum illud bellum, quod inter Sereniſſimum ac Potentiſſimum Principem, Dominum, *Carolum* Secundum, Magnæ Britanniæ, Franciæ & Hiberniæ Regem, fidei Defenſorem, &c. & Cellos ac Præpotentes Dom: Ordines Generales Fœderati Belgii, nuper exortum, etiamnum flagrat, non ſolum totius ferè Chriſtiani Orbis ſuſpiria effligitaverint, ſed præcipuè Sereniſſima Dom: Regina Regens Hiſpaniæ, ex intuitu antiquæ illius neceſſitudinis & Amicitiæ, quæ inter Coronas Britannicam & Hiſpanicam ſemper interceſſit, eo operam ſuam curamque adhibuit ut diſſidiis omnibus inter Regnum Magnæ Britanniæ & Fœderati Belgii Provincias, prorſus ſublatis, Pax quantocius reſtitueretur; Quumque Prædicti Ordines Generales Fœderati Belgii ſupra nominatum Sereniſſimum Dominum Magnæ Britanniæ Regem tum per Literas ſuas quas

quàm per nuncia repetita flectere conati ſint, ut conditionibus Pacis aurem animumque accommodare vellet; Atque ut Pacifica negotiatio faciliusfeliciuſque ad optatum exitum perduceretur Illuſtriſſimo ac Excellentiſſimo Domino *Petro Fernandez de Ionar & Velaſco Marchioni de Freſne*, Majeſtati ſuæ Catholicæ à Cubiculis intimis, Et Sereniſſimi ac Potentiſſimi Principis Domini *Caroli* Secundi *Hiſpaniarum*, &c. Regis apud eundem Sereniſſimum Dominum Magnæ Britanniæ, &c. Regem Legato extraordinario plenam poteſtatem dederint, ut eorum nomine, atque ex eorum parte pacem pro iis, cum præfato Sereniſſimo Domino *Magnæ Britanniæ* Rege tractaret & concluderet, toties memoratus Sereniſſimus Dominus *Magnæ Britanniæ Rex*, qui non niſi firmæ ac duraturæ Pacis cauſa hoc bellum primò ſuſcepit, interpoſitionem ſupradictæ Sereniſſimæ Dominæ *Reginæ* Regentis *Hiſpaniæ* tanti fecit ut deſideriis præmemoratorum *Ordinum Generalium* in hac parte libenter accedere voluerit, adeoque ac Pacis Tractatum inter Majeſtatem ſuam dictoſque Ordines Generales ineundum conficiendumque Deputatos Commiſſarios & Procuratores ſuos plenâ poteſtate Munitos nominavit & conſtituit perquam fidelem & prædilectum Conſiliarium ſuum intimum *Heneagium* Baronem *Finch* de Daventrii, Magni Angliæ Sigilli cuſtodem, perquam fideles & prædilectos conſanguineos & Conſiliarios ſuos intimos *Thomam* Vice-Comitem *Latimer*, ſummum Angliæ Theſaurarium, *Iacobum* Ducem de *Monmouth* Equeſtris Turmæ pro cuſtodia Majeſtatis ſuæ Capitaneum, *Iacobum* Ducem *Ormondiæ*, Hoſpitii Regii Seneſchallum, *Henricum* Comitem de *Arlington* primariorum Majeſtatis ſuæ Secretariorum unum, & perquam fidelem & prædilectum Conſiliarium ſuum intimum *Henricum Coventrii* Armigerum, Primariorum Secretariorum alterum; qui quidem Commiſſarii ac Deputati cum Præfato Domino Marchione *de Freſno* parem à prædictis Ordinibus Generalibus Fœderati Belgii Poteſtatem habente congreſſi & collocuti in hæc demum pacta capitulaque Tractatus & ſubſequentes Articulos concordibus animis mutuò conſenſerunt convenerunteque.

VII.

Quod Tractatus *Bredæ* concluſus Anno Domini 1667. ſicut etiam omnes alii præcedentes Tractatus per illum Tractatum confirmati renoventur, & maneant in plena vi ac vigore, in quantum præſenti Tractatui nullatenus contradicunt.

VIII.

Quod Tractatus Marinus *Hagæ-Comitis* inter partes utraſque Anno Domini 1668. concluſus continuetur pro ſpatio novem menſium, poſt hujus præſentis Tractatus publicationem, niſi per ſubſequentem Tractatum aliter proviſum fuerit, interea autem ut conſideratio novi ſuper hac re Tractatus ad eoſdem Commiſſarios referatur, ad quos commercium per *Indias Orientales* in Articulo proxime ſequenti referetur, Quod ſi tales Commiſſarii intra tres menſes poſt primum congreſſum ſuum in novum Tractatum Marinum ex voto non conſenſerint, tunc res illa quoque ad Arbitrium ac diſpoſitionem Sereniſſimæ *Dom. Reginæ Regentis Hiſpaniæ* referetur, eodem plane modo, quo Commercii *Orientalis* regulatio ad *Majeſtatis* ſuæ arbitrationem in dicto Articulo proxime ſequenti referetur.

IX.

Eo quod à mutua & non turbata commercii ac navigationis libertate non ſolum opulentia, ſed pax etiam utriuſque nationis ſummopere pendet, nihil magis curæ eſſe debet utrique parti, quam juſta & æqua commercii regulatio, & præcipuè in *Indiis Orientalibus*, & tamen quia res eſt maximi momenti & multum temporis requiret ut firmi ac duraturi Articuli ad ſatisfactionem & ſecuritatem ſubditorum utriuſque Partis conficiantur; Cum tamen languens & pœne intermolens plerarumque Europæ re ionum conditio non minus quam duarum partium in hoc bello implicatarum ad propera̅ hujus Tractatus concluſionem anhelet, ſupramemoratus Sereniſſimus *Dominus Magnæ Brittanniæ Rex* votis & deſideriis prædictorum *Ordinum Generalium* accedere dignatur, ut ejuſdem conſideratio æquali numero Commiſſariorum ab utraque parte nominandorum referatur, eiſdem *Ordinibus Generalibus* ſpondentibus, ut illi, quos ipſi nominaverint *Londinum* mittantur ad tractandum cum illis quos Majeſtas ſua *Britannica* pariter à parte ſua deputaverit, idque intra ſpatium trium menſium poſt hujus Tractatus Publicationem; Numerus item Commiſſariorum utrimque nominandorum ſex erit perſonarum; ſin autem poſt tres menſes quam congreſſi fuerint eorum conatus non tam feliciter ſucceſſerint, ut Tractatus inde concludatur, capita inter eos controverſa ad arbitrationem Sereniſſimæ *Dominæ Reginæ Regentis Hiſpaniæ* referentur: quæ undecim Commiſſarios nominabit; Et quodcunque major eorum pars determinaverit in differentiis non prius compoſitis id utramque partem obligabit, proviſo ſemper quod judicium ſuum declarent intra ſpatium ſex menſium a die quo primum congredientur, quod etiam intra ſpatium erit trium menſium poſtquam Sereniſſima *Domina Regina Regens Hiſpaniæ* prædictum arbitrium in ſe ſuſceperit.

Actum *Weſtmonaſterii* 19 die Februarii, Anno Domini milleſimo ſexcenteſimo ſeptuageſimo tertio-quarto.

Signatum & Sigillum erat,

(L.S.) *H. Finch C. S.*
(L.S.) *Latimer.*
(L.S.) *Ormond.*
(L.S.) *Arlington.*
(L.S.) *H. Coventry.*

Al Marquis el Freſno.
(L.S.)

Sequitur tenor Commiſſionis ſeu plenæ poteſtatis à parte Sereniſſimi Domini Magnæ Britanniæ Regis datæ.

CAROLUS *Secundus Dei gratia* Magnæ Britanniæ, Franciæ & Hiberniæ Rex, *Fidei Defenſor, &c. Omnibus & ſingulis ad quos preſentes literæ pervenerint, Salutem. Quandoquidem Illuſtriſſimus & Excellentiſſimus Dominus Petrus Fernandez de Ionar & Velaſco, Marchio de Freſno, Majeſtati ſuæ Catholicæ a Cubiculis intimis, & Sereniſſimi ac Potentiſſimi Principis Domini Caroli Secundi, Hiſpaniæ Regis apud Nos Legatus Extraordinarius jam antea per Memoriale Nobis 10. die Decembris nuper elapſi exhibitum expoſuit quantum Sereniſſima Domina Regina Regens Hiſpaniæ deſideraverit, ut Pax inter Nos & Celſos ac Præpotentes Dominos Ordines Generales Fœderati Belgii reſtitueretur, in eoque Memorali certas quaſdem conditiones prædictorum Ordinum Generalium nomine pro Pace cum iis reſtauranda Nobis obtulit: Cumque deinceps per literas & nuncia reiterata dictorum Ordinum Generalium ad Nos miſſa intellexerimus*

Eos perquam obnixè cupere, ut dissidia inter Nos atque eos suborta componantur, & inimicitiis consopitis, armis depositis ad Pace redintegratâ pristina quam supra-nominati Ordines Generales *Nobiscum coluerunt amicitia & bona correspondentia renovetur: Et cum eidem Domino Marchioni* de Fresno *plenam ex eorum parte super prædicta Pace restabilienda Nobiscum tractandi & concludendi Potestatem jam novissimè dederunt prout ex Commissione sive mandato speciali ea de re dictis Dominis* Ordinibus Generalibus *præfato Domino Marchioni* de Fresno *concesso, dato* Hagæ-Comitis *duodecimo die Februarii nunc instantis juxta stylum novum apparet; Nos quidem quibus nihil magis cordi fuit etiam ab initio hujus Belli quam ut Populi utrinsque Nationis beneficio Pacis & Commercii libertate securè & æquè fruerentur pro summo quo supra nominatam Serenissimam Dominam* Reginam Regentem Hispaniæ *honore prosequimur, hanc prædicti Domini Marchionis* de Fresno *interpositionem ex animo amplexamur & propositionibus ab illo proficiscuris obviam libenter imus. Sciatis igitur quod Nos spectatissimâ perquam fidelis & prædilecti Consiliarii Nostri intimi* Henegaii Baronis Finch de Daventrii *Magni Nostri* Angliæ *Sigilli Custodis, perquam fidelium & prædilectorum Consanguineorum & Consiliariorum Nostrorum intimorum* Thomæ *Vice Comitis* Latimer *summi* Angliæ *Thesaurarii,* Jacobi *Ducis* de Monmouth, *Equestris Turmæ pro Custodia Nostra Capitanei,* Jacobi *Ducis* Ormondiæ, *Hospitii Nostri Senschalli,* Henrici *Comitis* de Arlington, *Primariorum Secretariorum Nostrorum unius, & perquam Fidelis & Prædilecti Consiliarii Nostri intimi,* Henrici Coventry, *Armigeri Primariorum Secretariorum Nostrorum alterius, fide, prudentia, industria & integritate plurimum confisi, Eosdem fecimus, Ordinavimus & Deputavimus ac per præsentes facimus, Ordinamus & Deputamus veros & indubitatos Commissarios, Deputatos & Procuratores Nostros; Dantes & concedentes iisdem omnibus sive quibusvis quatuor vel pluribus eorum plenam & omnimodam Potestatem & authoritatem pariter & Mandatum generale ac speciale cum Præfato Marchione* de Fresno *ad hoc sufficientem Potestatem habente de & super Pace ac Pristina amicitia inter Nos & prædictos* Ordines Gnerales *restauranda renovandaque, nec non de & super Commercii & Navigationis libertate stabilienda utilissimis & maximè convenientibus Articulis & Conditionibus communicandi, tractandi, conveniendi, & concludendi, ceteraque omnia faciendi quæ ad prædictos fines faciant & conducant; atque super iis Articulos, Literas & Instrumenta necessaria conficiendi, & a memorato Domino Marchione* de Fresno *petendi & recipiendi; Denique omnia ea quæ ad præmissa vel circa eadem erunt necessaria & opportuna expediendi; Promittentes bona fide & in verbo Regio Nos omnia & singula quæ inter dictos Nostros Procuratores, Deputatos ac Commissarios aut eorum quatuor vel plures atque prænominatum Dominum Marchionem* de Fresno *in præmissis facta, pacta & conclusa erunt, rata grata & firma omni meliori modo habituros nec contra ipsorum aliquid aut aliqua contraventuros, quin potius quicquid nomine Nostro promissum fuerit sanctè & inviolabiliter observaturos & observari curaturos. In cujus rei majorem fidem & testimonium hasce literas manu Nostro propria Signatos Magno Nostro Angliæ Sigillo communiri fecimus. Quæ dabantur in Palatio Nostro de* Whitehal *quinto die Februarii Anno Domini millesimo sexcentesimo septuagesimo tertio secundum stylum* Anglicanum, *Regnique Nostri vicesimo sexto.*

Signatum erat,

CAROLUS R.

Tenor Plenæ potestatis a parte Dominorum Ordinum Generalium datæ.

LEs Estats Generaux des Provinces Unies des Pays-Bas; A tous ceux qui ces presentes lettres verront, Salut; Comme ainsi soit que pour sortir de la funeste guerre dont presque toute la Chrestienté se trouve affligée & qui a commis cet Estat avec sa Majesté *de la Grande Bretagne*, Nous avons cru devoir profiter des soins que la *Reine Regente d'Espagne*, a bien voulu prendre pour faire renover entre sa Majesté & cet Estat cette ancienne amitié qui a esté si avantageuse a l'un & a l'autre. Il a plu à sa Majesté d'employer pour cela Monsieur *Don Pedro Fernandez de Iouar & Velasco*, Marquis *del Fresno*, Gentilhomme de sa *Majesté Catholique*, & son Ambassadeur Extraordinaire au *Roy de la Grande Bretagne*, lequel y a fait de si bons offices & y a agy avec tant de dexterité & de conduitte, que nous avons sujet de nous promettre un tresheureux succés de la suitte de sa negociation, sur tout si son Excellence veut bien prendre la peine de joindre aux offices de mediation qu'il a employés jusques icy, ceux qui restent encore a faire de nostre part & en nostre nom; Et d'autant que Nous ne pouvons pas doubter qu'elle ne veüille volontiers contribuer tout ce qui dependra d'elle à procurer un si grand bien que celuy de la Paix, & de son repos, nous avons bien voulu requerir ledit Sieur Marquis *del Fresno* & en mesme temps l'authoriser; Ainsi que nous le requerons & authorisons par les presentes; luy donnants plein Pouvoir & authorité special de conferer, negocier & traitter avec ladite Majesté le Roy de la Grande *Bretagne*, ses Ministres, Deputez ou Commissaires une bonne Paix aux conditions les plus utiles & les plus avantageuses que faire se pourra, d'en convenir, les resoudre, arrester, conclurre & signer, & d'en passer les Actes & Instruments necessaires en bonne & deuë forme, & de faire generalement tout ce que nous pourrions faire si nous y estions presens, quand mesme pour cela il seroit besoin de Pouvoir ou de Mandement plus special, Promettans sincerement & de bonne foy, d'avoir pour agreable ferme & stable tout ce que par le dit Sieur *Marquis* aura esté ainsi fait, negotié, promis, accordé, arresté & signé; Comme ayant pour cet effect plein Pouvoir de nous, & de l'observer, accomplir & executer inviolablement en tous ses poincts, sans jamais aller au contraire directement ny indirectement, en quelque façon ou maniere que ce soit, de l'aggreër, l'approuver & de le ratifier en la meilleure forme que faire se pourra; & dans le temps qui sera exprimé par le Traitté, nous en ferons expedier nos lettres d'approbation d'aggréement & de ratification sans en faire faute. Donné à la Haye en Nostre Assemblée sous Nostre Grand Sceau, Paraphe du President & Signature de l'un de nos Greffiers le douziéme jour de Feurier de l'An mil six sent soixante quatorze. Paraphé, *Gasp. Fagel.* vt. Plus bas, Par Ordonnance desdits Seigneurs Estats Generaux.

signé,

H. FAGEL.

Sir

Six ſelect Articles of the Treaty-Marine concluded in the year 1674. between *Charles* the Second, King of *Great Britain*, and the *States Generall*, with the Preamble thereunto, to be obſerved in all parts of the World by Land, Sea and Fresh waters.

Whereas by the Treatie Concluded at Weſtminſter, the 9 of Febr. 1674. *between the Illuſtrious and moſt mightie King*, Charles *the Second, by the Grace of God, King of* Great Britain, *France, and Ireland, Defender of the Faith &c. And the High and Mightie States Generall of the United Netherlands: it is agreed, by the Eighth, and Nineth Articles, That ſix Commiſſioners to be named on the part of the ſaid Illuſtrious King of* Great Britain, *with the like number on the part of the Lords the States Generall, to be ſent to* London, *A Treaty ſhould be made, and whereas* Thomas *Lord* Culpeper, George Downing *Knight and Baronet*, Richard Ford, William Thompſon *Knights*, John Jollif, *and* Iohn Buckworth *Eſquires, are to that End appointed, by the aforenamed Illuſtrious King of* Great Britain, *As alſo that* Iohn Corver, *and* Gillis Sautin, *Schepen, and Councell of the Citie of Amſterdam*, Samuel Beyer, *and* Andrew van Voſſen, *Councell and Recorder of the reſpective Cities of* Rotterdam, *and* Enckhuyſen, Pieter Duyvelaer, *late Burgermaſter of* Middelburgh, *And* Michel Michelſon, *Schepen and Councell of the Citie of* Flushing, *Commiſſioners ſent to* London, *on the part of the Lords* States Generall, *have had ſeverall meetings, and debates touching that matter, have finally by vertue of their full powers (to them reſpectively given) in order to the aforeſaid Articles unanimouſly Conſented, and agreed on the following Articles of a Treatie of Marine, to be obſerved in all the ſeverall parts of the World, by Land, and by Sea.*

Artic. I.

That it ſhall and may be lawfull, for all and every the Subjects of the Moſt Serene and Mighty Prince, the King of *Great Britain* aforeſaid, with all Freedom and Safety to Sail, Trade, and Exerciſe any manner of Traffique, in all thoſe Kingdoms, Countreys, and Eſtates, which are, or at any time hereafter ſhall be in Peace, Amity, or Neutrality with His ſaid Majeſty; So that they ſhall not be any ways hindred or moleſted in their Navigation or Trade, by the Military Forces, nor by the Ships of War, or any other kind of Veſſels whatſoever, belonging either to the High and Mighty Lords the *States General* of the *United Netherlands*, or to their Subjects, upon Occaſion or Pretence of any Hoſtility or Difference which now is, or ſhall hereafter happen between the ſaid Lords the *States General*, and any Princes or People whatſoever, in Peace, Amity, or Neutrality with His ſaid Majeſty: And likewiſe, that it ſhall and may be lawful for all and every the Subjects of the ſaid High and Mighty Lords the *States General* of the *United Netherlands*, with all Freedom and Safety to Sail, Trade, and Exerciſe any manner of Traffique in all thoſe Kingdoms, Countreys, and Eſtates, which are, or at any time hereafter ſhall be in Peace, Amity, or Neutrality with the aforeſaid Lords the States; So that they ſhall not be any ways hindred or moleſted in their Navigation or Trade, by the Military Forces, nor by the Ships of War, or any other kind of Veſſels whatſoever, belonging either to the Moſt Serene and Mighty King above mentioned, or to His Subjects, upon Occaſion or Pretence of any Hoſtility or Difference, which now is, or ſhall hereafter happen between His ſaid Majeſty, and any Princes or People whatſoever, in Peace, Amity, or Neutrality with the ſaid Lords the States.

II.

Nor ſhall this Freedom of Navigation and Commerce be Infringed, by Occaſion or Cauſe of any War, in any kind of Merchandizes, but ſhall Extend to all Commodities which ſhall be carried in time of Peace; thoſe onely Excepted which follow in the next Article, and are Comprehended under the Name of Contraband.

III.

Under this Name of Contraband or Prohibited Merchandizes, ſhall be comprehended onely Arms, Pieces of Ordinance; with all Implements belonging to them, Fire-balls, Powder, Match, Bullets, Pikes, Swords, Lances, Spears, Halberds, Guns, Mortar-pieces, Petards, Granadoes, Muſquet-reſts, Bandeliers, Salt-petre, Muſquets, Muſquet-ſhot, Helmets, Corſlets, Breaſtplates, Coats of Mail, and the like kind of Armature, Soldiers, Horſes, and all things neceſſary for the Furniture of Horſes, Holſters, Belts, and all other Warlike Inſtruments whatſoever.

IV.

Theſe Merchandizes following ſhall not be reckoned among Prohibited Goods, *viz.* all kind of Cloth; and all other Manufactures Woven of any kind of Wooll, Flax, Silk, Cotton, or any other Material; all ſorts of Clothing and Veſtments

Veſtments, together with the Materials whereof they uſe to be made; Gold and Silver, as well Coyned as not Coyned, Tin, Iron, Lead, Copper, and Coles; as alſo Wheat, Barley, and all other kind of Corn or Pulſe; Tobacco, and all kind of Spices, Salted and Smoked Fleſh, Salted and Dried Fiſh, Butter and Cheeſe, Beer, Oyls, Wines, Sugars, and all ſort of Salt; and in general, all Proviſion which ſerves for the Nouriſhment and Suſtenance of Life; likewiſe all kind of Cotton, Hemp, Flax and Pitch; and Ropes, Sails and Anchors; alſo Maſt and Planks, Boards and Beams of what ſort of Wood ſoever, and all other Materials requiſite for the Building or Repairing Ships, but they ſhall be wholly reputed amongſt Free Goods, even as all other Wares and Commodities which are not comprehended in the next precedent Article; So that the ſame may be freely Tranſported and Carried by the Subjects of His ſaid Majeſty, even unto Places in Enmity with the ſaid States; as alſo on the other ſide, by the Subjects of the ſaid States to Places under the Obedience of the Enemis of His ſaid Majeſty; Except onely Towns or Places Beſieged, Environed, or inveſted, in French *Bloquées ou inveſties.*

V.

And that all manner of Differences and Contentions on both ſides by Sea and Land, may from henceforth Ceaſe, and be utterly Extinguiſhed, It is Agreed, That all kind of Ships and Veſſels whatſoever, belonging to the Subjects of His ſaid Majeſty, entring, or being entred into any Road or Port under the Obedience of the Lords the States, and purpoſing to paſs from thence, ſhall be onely obliged to ſhew unto the Officers acting in the Ports of the ſaid States, or to the Captains of th: States Ships; or of Private Men of War (if any happen there to be) their Paſsport, commonly called a Sea-brief (the Form whereof is added at the end of theſe Articles;) nor ſhall any money, or any thing elſe, be exacted from them under that Pretence; But if any Ship belonging to the Subjects of His Majeſty of *Great Britain*, ſhall in the open Sea, or elſewhere, out of the Dominions of the ſaid States, meet the Ships of War of the ſaid Lords the States, or Private Men of War of their Subjects, the ſaid Ships of the Lords the States, or of their Subjects, ſhall keep at a convenient diſtance, and onely ſend out their Boat, and it ſhall be lawful for them onely with two or three Men, to go on Board the Ships and Veſſels of the Subjects of His Majeſty, that the Paſsport (or Sea-brief) of the Propriety thereof according to the Form hereafter ſpecified, may be ſhewn to them by the Captain or Maſter of ſuch Ship or Veſſel belonging to the Subjects of His Majeſty; and the Ship which ſhall ſhew the ſame, ſhall freely paſs, and it ſhall not be lawful to Moleſt, Search, Detain, or Divert the ſame from her intended Voyage: And all the Subjects of the Lords the States ſhall enjoy in all things, the ſame Liberty and Immunity, they in like manner ſhewing their Paſsport (or Sea-brief) made according to the Form preſcribed at the latter end of this Treaty.

XII.

And whenſoever the Ambaſſadors of the ſaid Lords the States, or any other their Publick Miniſters, Reſident at the Court of His Moſt Serene Majeſty of *Great Britain*, ſhall complain of the unjuſtneſs of Sentences which have been given, His Majeſty will cauſe the ſame to be Reviewed and Examined in His *Council*, that it may appear whether the Orders and Præcautions preſcribed in this Treaty, have been Obſerved, and have had their due Effect, and will alſo take care that the ſame be fully provided for, and that Right be done to the Party complaining, within the ſpace of three Moneths; And likewiſe when the Embaſſadors, or other Publick Miniſters of His Majeſty, Reſident with the States General, ſhall complain of the unjuſtneſs of Sentences, the ſaid States will cauſe a Review and Examination thereof to be made in the *Aſſembly* of the States General, that it may appear whether the Orders and Præcautions preſcribed in this Treaty have been Obſerved, and have had their due Effect, and they will likewiſe take care that the ſame be fully provided for, and that Right be done to the Party complaining, within the ſpace of three moneths: Nevertheleſs, it ſhall not any ways be lawful to ſell or Unlade the Goods in Controverſie, either before the Sentence given, or after it, during the Review thereof, on either ſide, unleſs it be with the Conſent of the Parties Intereſſed.

IN Teſtimony and Confirmation of all and ſingular the Premiſes, We the Commiſsioners of His Majeſty, and the Lords the States General aforeſaid, being ſufficiently Impower'd thereunto, have to theſe preſents Subſcribed Our Names, and Sealed them with our Seals, At London; *the Firſt day of* December, 1674.

(L.S.) Tho. Culpeper.
(L.S.) G. Downing.
(L.S.) Richard Ford.
(L.S.) Will. Thomſon.
(L.S.) John Jollife.
(L.S.) John Buckworth.
(L.S.) I. Corver.
(L.S.) G. Sautyn.
(L.S.) Samuel Beyer.
(L.S.) And. van Voſſen.
(L.S.) P. Duvelaer.
(L.S.) M. Michielſon.

SOveraign Princes *cannot ſtudy greater improvements for their Subjects, than to provide good Rules and Contracts, in Publick Treaties, for the freedom and ſecurity of their Navigation and Commerce. But when Engliſhmen ſhall willingly let go thoſe benefits and advantages (through their own defaults) which are made Nationall rights by ſuch Treaties, they do not onely neglect their own profit, but ſlight their* King *and* Countrey *that are able to protect them.*

There are other things to be obſerved in theſe ſelect Articles of the ſeverall Treaties relating to trade and Traffique which are left for the preſent unto the moſt ſerious conſiderations of the Reader, untill I come to the third part of my diſcourſe concerning the further improvement of Navigation *and the* Engliſh Manufactures: *I ſhall onely add this; That after* King James *in the year* 1616. *quitted the two* Engliſh *Gariſons at* Fluſhing *and* Rammekins, *the* Hollanders *and* Zealanders *begun to ſtraighten the* Wheelings, *and ſet a watch upon that famous Navigable River the* Scheld, (*that God and nature had made free*) *untill at laſt the* Hollanders *built a Fort at* Lillo, *and ſince conſtantly kept a man of warr in the River, to obſtruct the freedom of all* Engliſh *Ships in their paſſage to* Antwerp: *Which place the* States Generall *might have taken, as alſo* Gant *by their forces at Land, but it was not their buſineſs to take thoſe Cities, but their trade, and to leſſen the* Engliſh *Navigation* (by improving their own) *which is now ſett open again and made free by thoſe* Worthy Patriots *of their* Country *that were* Commiſſioners *for the* King *of* Great Britain *in the two laſt Treaties with the* Hollanders *in the yeare* 1674. *Although the Bargain was upon hard terms to releaſe a regulation of trade in the* Eaſt Indies *for a* Treatie-Marine *and freedom to the Flemiſh ports which were in Common Juſtice and Equity by the* Bourgundian Treaty *and Spaniſh treaties open to the* Engliſh *before.*

SOME

Some further Speculations concerning the ſaid Treaties, with ſeverall Animadverſions thereupon.

IN all the Articles of the Bourgondian Treaty there is no mention made of ſtriking the Flagg to the Kings ſhips, in regard it was ſuch an Ancient right and Cuſtome adherent to the Crown of England, that it was needleſs to Expreſs ſuch a Prerogative that by conſequence was implyed, however the Hollanders made it a Moot point with Cromwell; The States having refuſed to ſtrike unto the long Parliament their younger Brothers. Yet Nevertheleſs it was agreed in Cromwells Treaty, that the Dutch Ships of warr and Merchants ſhould ſtrike to the Engliſh Men of warr; inferring from thence, that they were to give honor to the Nation, from the old Dictate, quatuor Maria Vindico. And the words in Cromwels Treaty were, that the States Generall and their Subjects ſhould ſtrike in ſuch Manner as was uſed in any former times whatſoever.

In the time of Queen Eliſabeth, when any one of her Majeſties Small Ships arrived at Rotterdam bearing the Standard of England, all the Dutch Ships ſtruck their Flaggs in the Harbour and Lowred their Copp-Sails, although there was no Article to that purpoſe in the Treaty and League between the Queen and the States; but thoſe ancient rights were obſerved out of reſpect and honour due to the Crown of England for keeping the ſeas free from Pyrates and Robers, when the Bourgundians had not a man of warr to reſiſt them from dragging away the Ships out of their Sandy and dangerous roads and Harbours, and for ſheltring them in hard and tempeſtuous Weather in havens upon the Engliſh Coaſts. But becauſe the Hollanders were ſo unmannerly and forgetfull in late days of their duty and gratitude, this following Article was agreed upon in the Treaty concluded at London 9 of February 1673. old Stile.

Prædicti Ordines Generales Unitarum Provinciarum debité ex parte ſuâ agnoſcentes jus ſupramemorati Sereniſſimi Domini Magnæ Britanniæ Regis ut vexillo ſuo in maribus infrà nominandis honcs habeatur, declarabunt & declarant, concordabunt & concordant, quod quæcunque naves aut navigia ad Præfatas Unitas Provincias ſpectantia, ſive aliæ eæque vel ſingulæ vel in Claſſibus conjunctæ, in ullis maribus a Promontorio Finiſterræ dicto uſque ad medium punctum terræ van Staten dictæ in Norvegiâ quibuſlibet navibus aut navigiis ad Sereniſſimum Dom: Magnæ Britanniæ Regem ſpectantibus obviam dederint, ſive illæ naves ſingulæ ſint, vel in numero majori ſi Majeſtatis ſuæ Britannicæ apluſtrum ſive vexillum JACK appellatum gerant, prædictæ Unitarum Provinciarum naves aut navigia vexillum ſuum è mali vertice detrahent & ſupremum velum dimittent, eodem modo parique honoris teſtimonio, quo ullo unquam tempore aut in ullo loco antehac uſitatum fuit verſus ullas Majeſtatis ſuæ Britannicæ aut Anteceſſorum ſuorum naves ab ullis Ordinum Generalium ſuorumve Anteceſſorum navibus. *Yett Monſr.* Peter Valckonier, *in his Hiſtory of the warrs of* Europe *ſince the year* 1600 *printed at* Amſterdam, *in the year* 1675 *Says it is an inſolency in the Engliſh Nation to inſiſt upon the* Flagg *and* Jack.

It is acknowledged and agreed by all Kingdoms and Nations in Europe, that the King of Great Britain is the moſt abſolute Soveraign in his Dominions, in regard his government is not divided by any ſupremacy of the Pope. Yet I do not find that there is any proviſion made in Treaties with the United States of the Seven Provinces, that the Orthodox Divines of England ſhall be permitted to preach and pray in the Engliſh Congregations in Holland according to the rights and Ceremonies of the Church of England; but on the contrary, the Engliſh Congregations in Holland are ſupplied with Non-confoꝛmiſts, who are alſo bound up by the Magiſtrates to the Preſbiterian Forms and Doctrine, which renders the King and Reverend Clergie ſo much deſpiſed and forgotten, as if there were no ſuch thing as a Church of England.

And the reflection is ſo much the greater, in regard the Roman Catholicks, the Jews, Lutherans &c. are allowed to uſe their proper Forms of Worſhip in their Synagogues and Churches at Amſterdam, and other Cities in Holland, even as in England the Dutch Miniſters are not barred from their Preſbiterian forms; being without any prohibition of the Biſhops in their reſpective Dioceſes, wherein the Dutch Congregations do aſſemble (viz.) at London, Norwich, Colcheſter, Sandwich &c. Wherefore in Juſtice, Equity and Honour, the ſame Rights, Priviledges and liberties ought to be granted to the Engliſh in the United Provinces as are given or granted to Dutchmen in England.

But it's objected by the Hollanders, that the Dutchmen in London &c. Do pay their own Miniſters, and purchaſe their own Churches; and on the Contrary, the States do pay the Engliſh Miniſters at Amſterdam with allowance of Churches gratis, and repairs, therefore both Miniſters and people are ſubject to their Orders, and pray for the States as their Lawfull Soveraigns before the King of England, whom they do rather hate then love, many of them having married into Dutch Families, whoſe intereſt they ſtudy more then the welfare of Great Britaign: and yet can be ſo impudent to expect protection from the King in times of trouble whom they will not obey in times of peace.

It might be anſwered, that if the King did ſend able Divines into Holland and Maintain them out of the publick Revenue of the Crown, it would anſwer the Coſts and Charges of the King and Kingdom in many reſpects, which might be inſenſibly raiſed out of the paper-bill hereafter propoſed to the Parliament: Then there would be a diſtinction made between Friends and Enemies, Subjects and Strangers, eſpecially when all Engliſh men abroad ſhould live under a regulation both in Religion and Commerce conformable to the laws and ſtatutes of England, whoſe Children born beyond the ſeas are Naturallized by act of Parliament in purſuance of their Royall Charter to Merchants adventurers. Here I cannot omit the mentioning of one affront offered to the Engliſh congregation in Middleburgh (that once had a Church in the Chief ſtreet when the Merchants adventurers held their Court in Zealand) Where the Magiſtrates have taken half the Houſe belonging to the Idiots and Mad men and given it to the Engliſh Congregation to aſſemble in, and converted the old Engliſh Church to an Hoſpitall.

It is no digreſſion from the Matter of Trade to add one Paragraph concerning the Judicature of Holland upon civil actions and differences of Meum et tuum between man and man, whereof there is no proviſion made for Expedition in the Caſes of ſtrangers, as is practiſed in many other nations; The want whereof hath occaſioned divers loſſes and oppreſſions to the Subjects of Great Britain.

Many hundred inſtances may be given, wherein ſeverall Engliſhmen have quitted juſt Claims and pretences, rather then they would enter into proceſs with Burgers of Amſterdam &c, for that Burgers by the priviledge of their Cities cannot be arreſted. 2 when they are ſummoned and the Cauſe put upon the Ordinary roll it is Uſually 36 months before it comes to a triall. 3 after a Sentence, its commonly carried away to the Provinciall Court by a Mandement. 4 after that, they for further veration to ſtrangers will appeal to the Supream Court of Judicature at the Hague, where it is held up ſeverall years longer, and at laſt comes to a reviſion.

At many times happens that the Magiſtrates will perſwade both parties at firſt to referr the controverſies to good men, as they call them, in Amſterdam (which are choſen by the Magiſtrates) who will never give an Engliſhman more then one half of his demands, let the cauſe and Dammage be what it will. Wherefore to avoyd all delays, verations and oppreſſions, a ſeperate and provisionall Article ought to be made, that all ſtrangers both Engliſhmen and Hollanders ſhould reſpectively in Each Countrey have a ſummary way of proceeding before Comiſſioners of neutrall perſons for Ending of all actions and controverſies that might ariſe concerning trade and Commerce; whoſe determinations ſhould be finall without further appeal. Unleſs to the Soveraign Prince or State of the injured Subjects where the Matter in queſtion ſhall exceed the value of 500 pounds ſterling.

But here follows an inſolent Preſident beyond all Example, in an order of the States of *Holland* dated the 10. September 1676. (upon *Mr. Marke Fletchers* caſe hereafter mentioned) directed to the ſupream Court of Iudicature at the *Hague*, the Provinciall Court of *Holland*, and the Schepens or Judges in *Amſterdam*. Without hearing of Mr. *Fletcher*, his Councell or Atturneys, or any Engliſhman concerned in the Cauſe.

Tranſlated out of Low-Dutch into English.

The States of Holland and Weſt-Friesland.

Right Honorable,

We have Cauſed to be read in our aſſembly the Petition of *Iacob Pergens* Citizen and Burger of the City of *Amſterdam*, relating, that although by the ſucceſſive treaties between this State and his Majeſty the *King of Great Britain* begun and Ended. The cauſe of Action and pretence which ſome of the inhabitans of his ſaid Majeſty pretended to be due unto them for Dammages which the Officers and Servants of the *Eaſt-India* Companie of theſe lands ſhould have done many years ſince in the *Indies* unto two Engliſh Ships and their Lading belonging to ſubjects of *England* whereof the one was Called the *Henry Bonadventure*, and the other the *Bona Eſperanza* was fully agreed and Concluded, which notwithſtanding one *Marke Fletcher* Engliſhman dwelling in *Middelburgh* on the behalf of *Sr. Paul Pyndar* dwelling in *England* had been pleaſed of late to revive that Matter, and Particularly to cite the Petitioner (who by vertue of Power and Authority granted unto him had in the year 1649. long before the ſaid reſpective treaties received of the directors of the *Eaſt-India* Companie ſuch ſums of Money as by the foregoing agreement was Concluded and Promiſed for the ſaid Pretence and Dammage) before the Lords *Iudges* of *Amſterdam* which the Petitioner thought verie ſtrange being plainly againſt the ſaid reſpective treaties: Whereof the Petitioner thought he might Transgreſs by Entring into any ſuit with the ſaid *Fletcher* before the Lords the *Iudges* of the ſaid Citty of *Amſterdam*, even as his thoughts were Confirmed by the adviſe of Severall perſons learned in the law, but in dutie bound to acquaint us thereof, ſithence the ſaid *Fletcher* had attempted the violation and trespaſs againſt the ſaid reſpective treaties whithin the City of *Amſterdam* under our Dominion, to th'End as it behooveth us to maintain theſe and all other treaties within our own Dominions, and to ſtop, hinder and defend whatſoever might be begun to the Contrary ſo we might by the knowledge thereof be moved to provide by way of State againſt the deſigns of the ſaid *Fletcher*, And that the Petitioner giving knowledge thereof by the ſaid petition, and adding that Although by the 15. Article of the Treatie between this *State* and his ſaid *Majeſty* concluded in the Year 1662. The Cauſe of the ſaid pretended Dammage on thoſe two Ships and their Lading were then Excepted out of the Generall Clauſe of Abolition mentioned in the ſaid 15. Article and libertie given to the pretended Intereſſed to proſecute their Proceſs begun touching the ſame: That nevertheleſs afterwards the ſaid Matter by the following Treatie concluded at *Breda* in the Year 1667 had another aſpect and was then finally Ended. In ſuch ſort as by the ſaid treaty in the Year 1667 in the 5 Article more Eſpecially was declared; That all Actions and pretences whatſoever reſerved by any former Treatie of peace and Eſpecially by the 15 Article of the Treatie of the year 1662. for which Either partie or their ſubjects might inſtitute their action, ſhould from thenceforth by vertue of the ſaid Treatie be made nul, obliterated and of no effect, *So that neither for that or Generally any other matters or Goods which not onely during the warr but alſo at any former time before or* after the Concluſion of the ſaid Treatie of the Year 1662. To the day of Concluſion of that following Treatie ſhould never be moved by the one or the other ſide hereafter: *more clear or larger Expreſſions* to Annul, make void and obliterate for ever the Petitioners cauſe could not be uttered then was by the ſaid 5. Article of the ſaid Treatie of the ſaid Year 1667. And whereas after new differences ariſen again between this State and his ſaid *Majeſtie*, another Treatie was made in the Year 1674. At which time the ſaid Treatie concluded at *Breda* in the ſaid Year 1667 was again more particularly included, and confirmed by the ſeaventh Article of the ſaid Treatie, ſaying that the ſaid Treatie Concluded at *Breda and all former Treaties ſhould thereby be revived and of full force*: furthermore the Petitioner praying that we would pleaſe to take this his cauſe into Conſideration and in purſuance to provide that you ſhould be writ unto and ordered in no wiſe to receive the ſaid *Marke Fletcher* or any other perſon whomſoever in Iudgement touching the pretences for the ſaid two Ships and their lading, but to refuſe them all the ways of Iuſtice touching the ſame, to the end the ſaid *Fletcher* and others may learn to reverence the Treaties made with this State, and at leaſt not to violate and infringe them before our face, which being taken into our Conſideration we have thought Good and reſolved to write theſe unto you, and to order that you do not hereafter receive the ſaid *Marke Fletcher* or any other Perſon whomſoever in judgement touching the ſaid Action or pretence, nor admit them, but to refuſe them all the ways of Iuſtice, The moving of the ſaid action or pretence being a publick and Manifeſt breach of the ſaid Treaties of peace Concluded in the Year 1667 and 1674 reſpectively. Whereunto truſting, we Commit you &c. Written in the *Hague* the 10. of September 1676.

The States.

If the States of Holland *dare be ſo bold in this Iuncture of time to make ſuch orders in particular caſes (wherein ſo many Eminent members of Parliament are concerned) what would not they do if they had continued thoſe Ancient leagues and Alliances with the Crown of* France *that were contracted with* Lewis *the* 13. *and* this preſent King?

A Brief Deduction of the case depending between *Marke Fletcher* of *Middleburg*, Merchant, and *Iacob Pergens* of *Amsterdam*.

With the questions and resolutions thereupon.

William *Courten* Esquire, and Sr. *Edward Littleton* Baronet by their deed of Assignment under their hands and seals dated the 19 of Decemb. 1642. for valuable considerations therein mentioned did grant and transfer (*inter alia*) the sum of 3000 pounds Sterling unto Sr. *Paul Pyndar* his executors and administrators out of the Ship named the *Bona Esperanza* and the sum of 2500 pounds out of the *Henry Bon Adventura* that were upon trading Voyages in the *East-Indies*.

In the yeare 1643. the *East-India Company* of the Netherlands took both the said Ships and their Lading into their possession and converted them to their own use, without any process at Law.

In the year 1647. Sr. *Paul Pyndar* by *Ionas Abeels* demanded the said 5500 pounds of the *East-India Company*, unto whom he insinuated his right of Assignation.

In the year 1648. *Iacob Pergens* takes a subsequent deed of assignment of the said Ships and Lading from the said *William Courten* upon pretence of a debt of 1000. pounds due to him from Sr. *William Courten* upon an obligation dated in the year 1634. and covenanted to account for the surplus to such persons as had right to demand the same from *Courten*.

In the year 1649. *Iacob Pergens* made an agreement with the *East-India Company* for 85000. gilders, and gave caution to save the Company harmless against *Pyndar*.

Afterwards, *George Carew* Administrator of Sr. *Paul Pyndar* assigned the said 5500. pounds with interest unto *Marke Fletcher*, in consideration of severall Bills of Exchange accepted and other payments to be made upon obligations; who brought his action for the said money against *Iacob Pergens* before the Magistrates of *Amsterdam*.

Whereupon *Iacob Pergens* in the moneth of August 1676. waved the jurisdiction of the ordinary Justice in *Amsterdam* upon pretence of a Treaty made in the year 1667. at *Breda*, and applied himself to the States of *Holland* to stop the proceedings at Law; who sent their order dated 10. Septemb. 1676. to interdict the Magistrates of *Amsterdam*; The Provinciall Court of *Holland*, and the Supream Court of judicature at the *Hague* prohibiting them respectively from doing any justice therein.

It being alledged in the said order, that all injuries, offences, dammages and losses that the subjects of *England* had at any time suffered by the *East-India Company* of the *Netherlands* before that Treaty, were extinguished and discharged.

And moreover that all actions, suits and pretentions whatsoever for the same that were any ways restrained, circumscribed, defined or reserved in any former Treaty whatsoever, especially in the 15. Article of the Treaty concluded in the year 1662. were also renounced by the *King*, and therefore it was a violation of the Treaty to prosecute *Iacob Pergens* for the said money.

Then *Marke Fletcher* in the moneth of Decemb. last exhibited his request to the States of *Holland* setting forth the mistakes and ungrounded pretences in the said order, and prayed that it might be revoked and the merits of the cause left to the Law, as a particular action, no ways relating to the said Treaties.

And notwithstanding the *King* had formerly written to the States Generall in the moneth of January 1671. expresly declaring that the said 5500. pounds was not comprehended in any Treaty; And that *The right Honorable Heneage Lord Finch Lord high Chancelor of England. Sr. Richard Raynsford Lord Cheif Iustice of England, and Sr. Francis North Lord Cheif Iustice of the Court of Common pleas*, had signified their opinion to his *Majesty* under their hands (upon a reference) on the 3. of November 1676. that the said 5500. pounds and other effects of Sr. *Paul Pyndars*, and Sr. *William Courtens* Estates unadministred ought to be prosecuted at Law. The Copies of all which were annexed to the said request to the States of *Holland*, with the opinions also of severall most Eminent Advocates in the Netherlands to the same purpose. Yet the States still refuse to give any answer to the same; and the Magistrates also of *Amsterdam* deny to proceed in the said cause; although they are dayly sollicited thereunto.

The question is

I. *Whether the* States *of* Holland *are competent Iudges in matters of Law or not?*

II. *Whether a particular action against* Jacob Pergens *upon his covenant can be applicable to the offences, injuries, dammages and losses mentioned in the said Treaties or not?*

III. *Whether it be lawfull for* Marcke Fletcher *to prosecute his action at Law, in the ordinary Courts of justice against* Jacob Pergens *for the said 5500 pounds and interest, without any violation of the peace, or not?*

RESOLVED

I.

That the offences, injuries, losses and dammages mentioned in the said Treaties, to be done and committed by the East and West-India Companies of the Netherlands against the King of Great Britain and his Subjects, were under the Notion of capitall crimes and misdemeanors against the common Alliance and publique peace, and are obliterated and disanulled by the King in favour of the said Companies; no ways concerning Pergens or his particular case.

II.

When Jacob Pergens in his private capacity in the year 1649. treated concerning the said Ships and Goods with the East-India Company for 85000. gilders, he made it his own particular act with the Company, and so became accountable for the said money (and the trust reposed in him) according to his covenant and contract with Courten. And the process of Marke Fletcher cannot be any ways construed, interpreted or intended, to be comprehended in any Articles of the Treaty at Breda, being a civill action reduced to a certainty, no ways circumscribed, defined, restrained or reserved in any Articles of Peace whatsoever.

III.

If any order of the States (Ex parte) or of any Soveraign Prince under their own construction should be of force to interdict Iudges in the ordinary course of Justice, that are sworn to do right between the Soveraign and the Subject, as well as between private persons, it would not onely intrench upon the Civill Judicature of Cities, and Nations, but upon Estates and properties of particular persons. It is granted that the Subjects of the States Generall are pardoned and acquitted of generall actions and pretences arising upon spoils and depredations before the Treaty at Breda. (such offences, injuries, dammages and losses being extinguished and obliterated ex plenitudine potestatis by a prerogative remaining in the King) And if any action should be brought by the Subjects of either side, upon any such pretence of loss or dammages, the defendants might plead the Articles of the Treaty at Breda, in bar as an exception to the action. And the Courts of judicature are the competent Judges, whether it be a particular action, or such a pretence, that is comprehended in the peace at Breda, or not.

A Sche-

A Schedule of actions depending in the ordinary Courts of judicature in *Holland* and *Zealand*, not comprehended in the Treaty at *Breda*.

	£ S. d.
The action depending at the ſuit of George Carew (*adminiſtrator of the goods and Chattels of Sr.* William Courten *unadminiſtred with his will annexed*) *in the ordinary Court of Judicature at* Middleburg *in* Zealand *againſt the heyrs of* Peter Boudaen *deceaſed, for one hundred twenty two thouſend one hundred thirty and eight pounds nyneteen Shilling and ſix pence Sterling. The ballance of accounts in the Linnen trade & Exchange &c. of Sr.* William Courten *and Company*, is a particular action upon a civil l account no ways comprehended or included in any Article of publick Treaties whatſoever.	122138: 19 16
And likewiſe the action in Middleburg *againſt the heirs of the ſaid* Peter Boudaen *for* 1000. *pounds Sterl. given by* John Moncy *as a Legacy to* William Courten *Eſquire deceaſed.*	1000: 0: 0
As alſo one other action for 100 *pounds Sterling given as a Legacy by Sr.* Peter Courten *to his Brother Sr.* William Courten, *both proſecuted at the inſtance of the ſaid* George Carew.	100: 0: 0
Alſo one other action for 12500 *gilders depoſited by the directors of the* Eaſt-India Company, *into the Lumbard or Banck of Lending at* Middleburg, *as the proper money of* David Goubard *deceaſed, againſt whoſe heyrs the ſuit depends, at the inſtance of the ſaid* Carew.	1200: 0: 0
Alſo one other action for 3000. *pounds Sterling againſt* Jacob Pergens *for money lent by Sr.* William Courten, *unto Sr.* Jacob Cats Late Penſionaris *of* Holland *upon obligation, which depends in the ordinary Court of judicature at* Amſterdam, *at the ſuite of* George Carew *who ſolicites there dayly for ſentence.*	3000: 0: 0
Likewiſe another action depending againſt the heirs of Peter Boudean *before the high Court of Judicature at the* Hague *upon an appeal brought by old* Peter Boudaen *from a ſentence againſt him at* Middleburg *at the ſuit of* Iames Boeve *for the portion of his wife given by* John Moncy; *which, with principall, intereſts and coſts, amounts unto* 7000. *pounds Sterling and upwards.*	7000: 0: 0
As alſo the action aforeſaid againſt Jacob Pergens *at the ſuit of* Marke Fletcher *for* 5500. *pounds, and intereſt thereof ſince the year* 1649. *amounting altogether to the ſumm of* 12000: 0: 0	12000: 0: 0
	146438: 19: 6

Upon all which actions the ſaid *Iacob Pergens* and the heirs of *Peter Boudaen*, and the other Defendants have uſed all delatory means and ſiniſter practiſes many years together, purpoſely to detain the goods and monies (gotten into their hands in truſt) to the oppreſſion and ruine of many Families in *England* as by the printed deductions of the ſeverall caſes at large appears: And are grown ſo *wicked* and *reprobate* to report, that the ſaid actions and ſums of money (ariſing upon couenants contracts, Bills of Exchange, obligations and Civil Commerce at Land) are extinguiſhed and diſcharged by the Treaty at *Breda* under the notion of ſpoyls and depredations upon his Majeſties Subjects at Sea and forraign parts of the World.

Iuſtice delayed is Iuſtice denied, and where there is a perſiſtency in it, Nations as well as particular perſons are concerned. The greivances and oppreſſions reflecting more upon the Soveraign Power that ſuffers it, then upon the ordinary Courts of judicature where ſuch practiſes are permitted.

Actum 24. *of Decemb.* 1676.

Severall Advertiſments, concerning the Hollanders,

in reference to their performance of Contracts and agreements in Nationall Treaties and Adminiſtration of juſtice in theſe modern Times.

THe *French King*, having granted Licence to a Company of Merchants of *Diep*, to trade to the *Eaſt-Indies*, did ſet forth the Ship called *d'Eſperance* bound for *Bantam*, where having bought her Lading of Pepper, the Dutch *Eaſt-India*-Company ſent ſome Ships, & fired the ſaid Ship, which was burnt with all her Lading; whereupon thoſe of *Diep* demanded ſatisfaction by their Procurator *Iaques Iacob*. A Sentence was pronunced at *Amſterdam* on the 20 of June 1625. whereby the *Eaſt-India*-Company were onely condemned to pay for a third part of the Pepper laden and burnt with the Ship, each bale of Pepper valued at 4. pieces of eight, as alſo one third part of the Cuſtoms & charges paid in Lading them for their tranſportation, from *Bantam*, wherewith, the Merchants being unſatisfied, the Matter was left *in ſtatu quo*.

2. In the Year 1648. by the generall Treaty concluded at *Munſter*, It was agreed, between the moſt *Catholique King*, and the Lords the *States Generall* of the United Provinces, that a *Chambre my party* ſhould be erected with power to decide all manner of differences, and diſputes which were between the Subjects of either ſide, and theſe were to hold their meetings or courts interchangably. Firſt for a certain time in the *Spanish Dominions*, and then the like time in the *States Dominions*, which was executed for a while, but afterwards came to nothing; intereſt and paſſion overruling, they decided very few diſputes. *The Hollanders would have all things interpreted to their own ſence: Preſuming that the ſtrongeſt party could make the beſt conſtruction of dubious Matters.*

3. In the Year 1660. the Admiralty Court of *Amſterdam* confiſcated a Ship belonging to *Lubeck*, upon pretence of carrying contraband Goods to *Portugal*, notwithſtanding the Maſter made it appear that he was bound for *Galitia* & not *Portugall*; and the Owners having obtained a review of the cauſe, All the ſeaven Delegates adjuncts, which were all of them Eminent old Experienced Advocates and Lawyers, declared joyntly, that the Sentence was Erroneous: yet thoſe of the Admiralty perſiſted and maintained the Sentence againſt the opinion of the Adjuncts. *A true Example of Paſſion and Intereſt: vide Aytzema, in his 9. Book, Page 1082.*

4. In the Year 1654. the *Portugalls* took the Recijf in *Brazill* from the *Hollanders*, being the onely place that the *Weſt-India* Company had left of their Conqueſt in that Country, which was cauſe of a warr between them and Portugall. In the Year 1659. the good Ship called the *Golden Sun* of *Nantes*, *Capt. Nicolas la Breton*, being at *Lisbon* in *Portugall*, was fraighted by *Mr. Abraham Iacobs* an Engliſh Factor, reſiding there, and laden with ſalt for *Rion de Ieuero*, in *Brazill*, from wence he was to return again to *Lisbon* with ſugar, Hides, Tobacco and wood; being all of them free goods of the growth of that Country; and notwithſtanding there was a Proviſionall *Treaty of Marine* agreed between the *French King* and the *States Generall*, in the Month of June 1657. Art. 3. (*viz.*) that a free Ship ſhould free all the Goods laden within her, though they belonged to the Enemies of Each other; Provided they were not contraband, nor bound to any place beſieged & blocked up: Yet this Ship was ſeized at ſea by 4 Zealand private men of warr, and ſent to *Flushing*, and the whole Lading confiſcated. But Monſr. *de Thou* the *French* Ambaſſador then at the *Hague*, complaining thereof to the *States Generall*, declared that the King his Maſter would give repriſalls againſt them, if they repaired it not, whereupon the Ship and all the Goods, properly belonging to the Captain and Marriners, were reſtored, and his Fraight paid, but all the beſt of the whole Lading, whereof a great part belonged to the Engliſh Merchants, and Factors, remained confiſcated without ſatisfaction.

5. In like manner the ſaid *Zealanders* viz Capt. *Philip Ras Touſſein le ſage, Matthew Quaerts* and *Albert Ianſen*, Capers in company againſt *Portugal* ſeized the *Golden Sun St. Malo, Experience*, and the *Golden Falcon* of *London*, in the year 1660. all Laden with ſugars, from *Brazill*, bound for *Lisbon* (upon account of Engliſh Merchants & Factors reſident in *London* and *Lisbon*, viz *Abraham Iacobs, Robert Carr, Thomas Boſtock, William Veche, Robert Parker, Roger Bradhill, Chriſtopher Trenchard, William Notile* and *William Truſtell*) where they were obliged to pay the King his Cuſtoms, brought them into *Zealand*, where the Ships and Goods were confiſcated. Even as the Ship called *Ann* and *Margaret*, belonging to *Mr. George Torriano, Mr. Richard Weſtcomb*, and *Mr. Nicholas Warren* laden with *Bees Wax* and *Hydes* &c, was taken by *Iacob Iacobſon* Commander of the Ship called the *Gelderland* and confiſcated againſt all Juſtice and Common right, to the Dammage of the Engliſh 50000 pound ſterling and upwards. *Inſolencies* and *Robberies beyond all Examples of other Nations.*

6. In the Moneth of Auguſt, in the Year 1672. there was laden in an Engliſh built Ship called the *Flying Hare of London* whereof Captain *Thomas Flake* was Maſter, Severall fats of copper Kettles, hogsheads of ſpice and packs of Linnen Cloath to the value of 4000 pounds ſterling and upwards bound for *London* from *Amſterdam* upon account of *Mr. Henry Hampſon, Mr. Peter Harringhook, Mr. James Brown, Mr. Hovener, Mr. Ioſeph Hill, Mr. Thomas Mayden* and others all Engliſhmen born, who ſhipt the ſaid goods by the conſent and permiſſion of the Lords of the Admiralty in *Amſterdam*, and paid Cuſtome for the ſame. Yet the Lords of the Admiralty of *Friesland* ſeized the ſaid Ship in their Harbour in her paſſage to the Sea and confiſcated the ſaid goods contrary to the 32 Article of the Treaty at *Breda*, Notwithſtanding all the Examples and preſidents of divers Ships and goods of both ſides that were delivered by *the King of great Britaign* and the *States Generall* in conformity to the ſaid Article, after that time.

7. In the Year 1674. A peace being concluded on the 9. of February, between *the King of great Britaign* and the *States Generall*, It was agreed that all Acts of Hoſtility ſhould ceaſe at the Expiration of 12. days after the Publication (which was the 6. of March following from the Neſs in *Norway*, to the Soundings of the *English Channell* weſtward, and from thence to *Tangier* in ſix weeks. Yet Notwithſtanding, two private Men of warr of Fluſhing (viz) *Peter Marcus* Commander of the *Lamb*, and *Daniel Schuyer*, Commander of the *Mearmaid*, who had knowledge of the Publication of the peace, and had a printed Copie thereof aboard, did on the 10. of April following ſeiz and take the Ship called Joſeph of *Briſtoll*, whereof *Willam Iones* was Maſter (coming from *Virginia* & bound for *Priſtol*) within the Soundings; which ſaid Ship with her lading of Tobacco they carried to *Flushing* aforeſaid, and obtained an order of the Admiralty Court to ſell both Ships and goods, without hearing the Maſter or Claimors of the ſaid goods, contrary to the 16 Article of the Treaty of Commerce and Peace; And ſome moneths afterwards confiſcated the Ship & goods, to the dammage of the Maſter and Owners 6000 pound ſterling & upwards; although they gave in evidence & clear Proofs that the Ship was taken within the Soundings; whereupon the Claimers obtained an order for a review of the Sentence, which review by agreement in the laſt Treaty of Marine, Article 12. Is to be made before a Committee of the *States Generall* at the *Hague*, and not before the Lords of the Admiralty at *Middleburgh*: yet the Lords Magiſtrates of *Flushing* (ſome of which are Owners of the Capers) will not ſubmit thereunto: pretending that they conſented not to any ſuch Article in the ſaid Treaty: ſo the Caſe remains in *ſtatu*, as it appears at large by a printed Deduction thereof.

8. In the Year 1662, by a ſolemn Treaty it was poſitively agreed, that the Iſland *Poleron* was to be delivered upon demand; And that ſatisfaction ſhould be made by Amicable conferences for the two Ships *Bona Eſperanza* and *Henry Bona adventura*; but neither of them was performed. Whereupon Speciall Repriſals were granted under the great Seal of England concerning thoſe Ships; & in the Year 1667. by the Treaty at *Breda* the *Engliſh* were to be at liberty to depart with their Families and goods out of *Surinam* but were obſtructed contrary to the Treaty; *Hollanders* being of *Machiavells* opinion, that Treaties of Common Alliance bind no longer then the Convenience of either party obligeth to obſerve the conditions. Forbearance is no Payment. And there is nothing can be reſtaurative or healing to the ſubjects of England in many caſes, but a ſoveraign remedy in Parliament for their releif.

9. In the laſt Treaty of Peace concluded at *London*, 1674. It was poſitively agreed by the 9. Article that there ſhould be a regulation of Commerce and Navigation in all parts of the world, Eſpecially in the *Eaſt-Indies*; Which the *Hollanders* ſay is implicitly done & provided for by the 5. Article in the Treaty Marine concluded in the ſame Year: And that they have a declaration apart from his *Majeſty* or *his Miniſters of State* that It is Satisfactory concerning the 8 & 9. Articles of that laſt Peace made & ratified between *the King of Great Britaign* and the *States Generall*, which mentions nothing of the ſpice trade whereof the *Engliſh Company* had a third part by Covenant, nor of any tribute for fiſhing upon the *Britiſh Coaſt*, (which the *Hollanders* ſay was ſuſpended upon the *Prince of Orange* his account) onely It is directly declared by the words of the 5 Article that the ſubjects of *England* may with all Freedom and ſafety Sail through all Navigable rivers unto any Harbours or Ports of *Princes* and *States* in Amity or Neutrality with *England* or the *States Generall* whereof the *Flemiſh* Ports cannot be Exempted, or the Navigable Rivers to them be ſtopt up, without an apparent breach of the peace. *More clear or larger Expreſſions could not be uttered to open the Scheld, than is demonſtrated in the 5. Article of that Treaty Marine.*

IN the year 1666. A Fly-boat laden with ſalt and Brandy bound for Amſterdam was ſeized near Portland-Bay and brought into Chicheſter (by Captain Tyrence Byrne under a ſpeciall Engliſh Comiſſion for Repriſalls againſt the Hollanders) Where the Maſter and Mariners upon Examination confeſſed they were bound for Amſterdam, that the Ship was Dutch built, and lately named the Godlieve of Brugis, that moſt of the ſeamen were Hollanders born and inhabitants there: Yet the Ship and goods were claimed by Peter Gerrard on behalf of Mr. Michael vander Planken, Andreas vande Bogard and Johan Neitz of Brugis; Whereupon the Judge of the Admiralty decreed that there was good cauſe of ſeizure, and that the Ship and goods ſhould be reſtored upon Bayl to abide the ſentence upon hearing the cauſe, unto which the Captors conſented, but the Claimers refuſed to take the Ship and goods accordingly, having arreſted the Captain for 1000 pound Dammages by writ out of the Admiralty Court, who had given ſufficient Bayl to anſwer the Suit: Afterwards the Ship and goods were Freed and reſtored. Then Peter Victorine reclaimed the Dammages on behalf of the ſaid pretended Proprietors of Brugis (Waiving the Proceſs againſt Capt. Byrne upon the arreſt) and exhibited Articles againſt Sr. Edmond Turnor and George Carew (whoſe Commiſſion Byrne had againſt the States Generall and their Subjects) in a new Proces joyntly with Byrne and Jonathan Froſt Owner of Byrne ſhip, and procured Mr. Francklyn and Sr. Walter Walker to Frame an impertinent Sentence for 1800 pound ſterl. Dammages which was pronounced againſt all four for ſpopling the Voyage, Leakage of Wyne and ſome imbezilment of ſalt and; Hopes although it appeared that the whole lading coſt not 300 pound ſterl. From which ſentence Byrn and Froſt appealed to the Ordinary Delegates. But Turnor and Carew appealed ſpecially by themſelvs, and Delegates with Adjuncts (Judges of the common Law) being appointed, they crabed a nullity of the Sentence againſt them with Coſts for veration, more Eſpecially for that it being repugnant to law and reaſon that third perſons ſhould ſuffer for perſonall injuries when the offenders (if they were guilty) had given good caution to anſwer the Dammage upon the arreſt; all which depends in Statu for the Judges reſolution upon the Proceſs. This caſe is only added to ſhew what Favors *Flemmings* and *Hollanders* find in the *Admiralty* of *England*, notwithſtanding *Engliſhmen* are ſo unkindly treated at *Flushing* and *Oaſtend*.

IT *is very remarkable that at the generall Treaty in* Munſter *A Peace was concluded between* Spain *and the* States *of the* 7. United Provinces *on the* 30. *day of Ianuary* 1648. *A memorable obſervation: That the* Spaniſh King, Duke of Auſtria, *and* Bourgundy, *ſhould extinguiſh and relinquiſh his right and Soveragnity in thoſe* Provinces *on the ſame day that the* King of Great Britaign *was maliciouſly cut off from his Crown and Kingdoms by his own Subjects: And that the* French King, *who had ſo long continued in leagues offenſive and defenſive with the* Hollanders *againſt* Spain, *ſhould be excluded in that Treaty, and left in a Bloudy warr with* Auſtria *and* Spain, *contrary to the* Dutch *covenants. And that now the* French King *who, claims the whole* Spaniſh Netherlands (*in right of* Mary *daughter of* Philip the Fourth *his Wife, heir of the houſe of* Bourgundy) *was before content by agreement to divide the ſame with* Holland. *Indignities offered to* Princes *are not often remembred yet ſeldom forgotten. The Priviledges granted to* Engliſhmen *for diſcovering the North-Eaſt paſſage to* Ruſſia *were taken away at* Arch Angel *by the* Grand Duke of Moſco *unhappily upon a letter from a* Prince *in Exile, to the great Dammage of the* Ruſſia *Company, whoſe trade is ſince ſpoiled by the* Hollanders. *Even as the Eaſt Countrey-trade, the* Smyrna-*trade, the* Italian *trade, and all* Others.

Whoſoever ſhall enjoy the Soveraignty and Dominion of the *Spaniſh Netherlands*, or any part thereof, muſt be obliged to Ratifie and confirm the *Bourgondian* Treaty with the Crown of *England*, or be abandoned from the Liberties, benefits, and Priviledges upon the Engliſh Coaſts, and the Advantages of thoſe uſefull Harbours, Ports and Havens, upon all occaſions or Emergencies.

Hereafter follows the third Part of this Treatiſe.

Severall neceſſary Advertiſments concerning the improvement of Navigation and Trade.

More eſpecially the Manufactures of England, *called the* old *and* new Draperies.

ALSO

Twelve ſelect Articles of the Treaty at Munſter *concluded in the year* 1648. (*between the King of* Spain, *and the States of the* Seven United Provinces,) *viz.* 5*th* 10. 12. 14. 15. 16. 17. 63. 64. 66. 67. *and* 68*th Articles, which incroached ſo much upon the* Spaniſh Netherlands, *and the rights & Priviledges of* England *in their trade and Navigation,*

Properly debated apart in this following Treatiſe.

Ius permanet ſemper nec unquam mutatur,
Lex vero ſcripta ſæpiùs.

Printed in the Year 1676.

To the Honourable Knights, Citizens and Burgesses in the *Parliament* of *England.*

Worthy Senators,

You being the Third Estate of the Land, and most concerned to look into the mysteries of trade and commerce; I presumed to dedicate this Third part *of my Book to the prospect of your most piercing sights and understandings. Pardon me that I begin with an* Allegory *to tell you, that Trade the fair mistress of the world hath been courted by diverse* Princes *and* Potentates *of the greatest Kingdoms & Empires that are now antiquated, or through their own neglects forsaken.* Old Rome *and* Carthage *disputed the quarrell a long time for the favour of that fair Empress untill one of them fell by the sword.* Grand Cairo *was the Mart of the East, before the* Portugals *found out a more Easie way for the conduct of her Merchandizes than by Caravans. The Ancient State of* Venice, *that conquered three Kingdoms in their flourishing time of trade was first lessned by* Lisbon; *Afterwards* Brugis *and* Antwerp *were the chief Magazins for goods and Merchandizes of all sorts, untill* Holland *blockt up those Flemmish ports from the English Navigation by* Sluys *and* Lillo. *Yet this Beautifull Lady will not be forced, she is as subject to change as the various habits & dispositions of men are subject to alter. Wherefore of late, she resolved to remove her station from* Holland *into a better climate amongst people of good tempers & constitutions, and at last was inclined to settle her self in* England: *knowing that* Great Brittain *was best able to vindicate her honour and reputation in all quarters of the Earth, if they would not fall into factions, prejudice and passion at home, but court her like true* Englishmen *that are both Soldjers, Gentlemen & Merchants. Now to leave the Allegory, & come to the substance, there is a fair opportunity to lessen the* Hollanders *by keeping down* Amsterdam *with a rising blow. It is most certain that* England *can subsist of it self better then any other Kingdom whatsoever: And if the* Ambition, Avarice *and* Envie *of other Nations had not prompted* Englishmen *to defend themselvs by force of Arms and Navall power, the lofty trees might have remained still as Ornaments in the Groves and fields, and the Earth had not been so often ript open for Lead & Iron to pierce the bowells of poor Mortalls.*

But since the Laws of Nature teach all men to preserve themselvs, and by provision to prevent any others that might invade their intereſts and properties, I have made bold to hint some things in these following Advertisments concerning the better improvement of Navigation and English *Manufactures, that may be very usefull towards the more Honourable support of the Crown and Government, the increase of the publique weal, and the diminution of those Powers that have been both your Enemies already, and are likely to be so again upon any occasion they can find for advantages to break with the Crown of* England. *There i an old By-word in* Spain, *when they would affrighten or quiet their infants,* Beware-Drake's *and in* France *for that purpose they say,* Beware-Talbot; *but the* Hollanders *dread nothing more then an union of the three Estates of* England *in Compliance with the* King, *which* God *grant may continue for the accomplishment of those Acts, which will Eternize the Glory & memory of this Parliament to all future ages.*

Right ~~worthy~~ Patriots

I am

Your most faithfull

and obedient Servant

GEORGE CAREW.

Antwerp Decemb. 15. 1676.

Severall

Severall neceſſary Advertiſments concerning the improvement of Navigation and the Woollen Manufactures of *England*.

HEnry the fourth of France, ſoon after he came to the Crown, adviſed with his councell how he might abate the power and ſplendor of the Flemings, which ſo often gave diverſions to the French: Whereupon one of the Lords of the Councell anſwered him, that his Majeſty ſhould cut off all the Womens thumbs who brought in ſuch an infinite treaſure into the Netherlands from Spain and other Nations by their ſpinning and weaving: But ſince that time the Hollanders and France have ſo diſmembred Flanders and Brabant that remained poor and induſtrious, while the Grave Councill at Madrid ſuffered moſt part of the reſt to be loſt rather then they would enter into a League offenſive and defenſive with England againſt their Hereditary Enemies; when France, Holland and Denmark were all in open warr againſt the King of Great Britain in the year 1666. untill the Treaty at Breda which the Hollanders record in their Annalls for a moſt glorious peace.

The great incouragement for the ſetting up the Woollen Manufactures in England proceeded from the multitude of Workmen, and their wives and Children that fled out of Brabant and Flanders. Whereupon all the Flemiſh Women at home do maliciouſly report of the female ſex in England to this day, that they are Lazie, Liquoriſh and lecherous, and do even reproach the Engliſh Nuns in Flanders with eating the fat of the Land, and doing no work, pretending that other Cloyſters do more then get their bread, although they are of the beſt families in the Low-Countries and ſufficiently indowed with Lands and rents beſides. But the Argument is againſt them: for ſpinning, knitting and ſowing are arrived to ſuch perfections in England, that no Nation in the World exceed Engliſh Women in thoſe arts. Yet a ſtrange fate attends all Engliſh Manufactures which are fallen in their values to a wonder, and can not be raiſed again to their former price but by a regular way of trading.

A particular Merchant ſhall never raiſe the price of Colcheſter Bayes again, that a Company in a ſhort time may accompliſh. The like may be done in Cloath, Serges, Kerſies &c. if men would go the right way to the Market, and throw down the Bancks and Styles that were lately ſet up to the prejudice of the publick.

The great objections at London muſt firſt be taken away before I come to the points of regulation in trade; Companies being generally looked upon in England as Monopolies when the trade is carried on with a joynt ſtock, which is a vulgar errour. As alſo a grand miſtake in the Cloathier and others that exclaim againſt the Merchants who deal with their own ſtocks reſpectively under a regulation. The Grazier the Farmer the Cloathier Weaver Cocker &c. do ſtill alledge that ſuch Merchants will not onely make forraigners their ſubjects, but Engliſhmen their Slaves under a regulation; where they will give what they pleaſe for all goods they export, and ſell their Merchandiſes imported for what they liſt: thoſe ſhall be anſwered in order after the propoſalls for regulation and then evident demonſtrations be given that all trade not regularly governed will ſoon decay or be ſpoiled. In the mean time theſe things may be well obſerved as follow:

1. That the Merchant never got more by Engliſh Manufactures then he did in thoſe days when he gave a good price for all goods at home. 2. That moſt men of judgement find the greateſt incouragement to buy when the commodities of England are upon the riſing hand. 3. The greateſt loſſes which have ſcandulouſly happned to the Engliſh Merchants in late years, have come by overtrading and cloſing the Markets at home, and abroad; which miſchief extended to all men that had any dependency upon trade. But there I meet with another objection that the poor muſt be kept at work or elſe they will be mutinous or periſh for hunger: as to this I ſhall alſo give an undeniable anſwer; and likewiſe preſcribe an infallible remedy againſt that diſtemper, to the quiet and ſatisfaction of all parties both rich and poor.

It is granted that by the old rule in Manufactures, a quantity of Wool that coſt at the firſt hand an Engliſh Shilling, when it was wrought into Cloath fit for Exportation, yeilded ſix Shillings: ſo the publick got 5 cleare, which was added to the ſtock of the Nation, although ſeverall perſons might loſe by their ill management in trade.

This rule hath lately met with ſeverall ſad exceptions in England: although it will bear the teſt in other Nations as to ſeverall Manufactures, eſpecially in France (the Cauldre of Europe, that laughs at all the World, in ſoyce cant ſouce per ton) For example, in fine Dowlaces Silk, Dyuges and other French Manufactures ſent for Spain in great quantities to be tranſported from thence to the Spaniſh Weſt-Indies, the French Merchants will not take the returns or any part of the effects in Malago Wines, Fruits, Oyls &c. but in Bills of Exchange and pieces of eight that inriches a Kingdom more then the importation of any goods that are conſumed amongſt themſelves. But this will alſo meet with a materiall objection as to the diminiſhing of the Kings Cuſtoms, the beſt ſupporter in the publick charge of in the navies royall. This ſhall likewiſe be anſwered in its proper time and place.

Five Shillings per ton is payd to the French King upon all Strangers Ships that taks Brandy, Salt, Wines &c. from France.

The Hollanders in the fine thred and Linen (whereof there is a great conſumption in England) make a greater augmentation by the art and labour of the workmen then the Engliſh do in any kind of Woollen Cloaths, or Stuffs; nevertheleſs the Dutch will have their money remitted ſix or eight moneths before hand to pay the Weavers, Bleachers, Upmakers, &c. ſo that there is a vaſt diſproportion between the Dutch Linen trade, and the Engliſh Woollen trade. The Hollanders ſet their poor at work with Engliſh ſtock, and the Engliſh goods are ſold for time upon long payments in many places, which beggers both the Cloathier and Merchant. Beſides the advantages given thereby to forraign Nations, that having ſo much of the Engliſh ſtock in their hands, oftentimes make the King yeild to diſhonorable conditions in treaties of peace to preſerve his Subjects goods and monies from confiſcation.

Spice and Pickled Herrings (thoſe two Dutch Mineralls) would ſupport the Hollanders if they had no other trade or Navigation to ſubſiſt upon: therefore Engliſhmen that are ſo indulgent to the Hollanders do not rightly apprehend the caſe. Nutmegs, Cloves, Cinnamon and Mace, (which are all forcibly ingroſſed by the Dutch) take one with another, coſt the Eaſt-India Company 5 ſtivers a pound, and are ſold for 55 ſtivers ready money in Banck:

and Communibus annis the ſpice brings in 300000 pounds into the Countrey by Caſh from all Nations, which muſt buy ſo much in Banck-money for the Company. The Callicoes and other Indian Manufactures, Druggs, Saltpeter, Tin and Copper &c. this year imported in 15 Ships amounted to more then a million of Sterling money beſides: as appears by the generall Cargo of the Ships and their Lading hereafter mentioned.

I have obſerved in Mazeland-Sluys, Delfs-haven, Enckhuyſen, Zierickſea, Flaerding, Schiedam and other Fiſhing-Towns in the United Provinces, when the Herring Buyſes and Dogger-boats returned from their Voyages, there is the ſame regulation in the Sale of their Fiſh, as is obſerved by the Spaniards in the Weſt-Indies at the arrivall of the Ships out of Spain for the Plate. Firſt, an inquiry is made by the Generall in the Weſt-Indies what goods are brought; then ſuch a price and value is ſet upon them according to the quantity of Silver that is gotten that year out of the Mines. If it prove a plentifull year for Silver, then there is a good price for the Manufactures and other Merchandizes: if not, it is otherwiſe.

The Herrings and Salt Codd when the Fiſhermen come home muſt be preſently ſold, and the Magiſtrates of the reſpective towns ſet the prizes according to the quantities that are taken, and they are all ſold in a day or two, if there were fifty Ships lading and upwards at a ſayl; in regard the money muſt be diſtributed amongſt ſo many hundred people in every place; as to Brewers, Bakers, Coupers, Smiths, Ship-Carpenters, Net-makers, Tanners, Ropemakers, &c. beſides the poor Fiſhermen for their wages, according to their hire or adventures of their labour, being both Seamen and Fiſhermen. And it's free at thoſe generall ſales for any man to buy that hath ready money or credit in Banck. Then the Merchants compute what quantity will ſerve for the conſumption of their own Towns in Holland, which are ſet apart; the reſt ſtored up in Pack-houſes, and againſt Lent-Markets they are ſent into France, Germany, Eaſt-Countrey, Spaniſh Netherlands, &c. This laſt year the Fiſhermen made but in different Voyages; the Shurks that hanted after the Herrings did ſo ſpoil their Nets and devour their fiſh. From Scotland and Ireland great quantities of Salt, Salmon and Herings are tranſported with diverſe Manufactures, and other ſtaple goods of thoſe Countries unto Rotterdam and Camp-Veer: Although the Chief conſumptions for thoſe goods are in Flanders, Brabant, and the reſt of the Spaniſh Netherlands and confines of Germany. Then conſidering the ſeverall tolls upon them in paſſing through the States territories, beſide cuſtomes, inwards, outwards, and alſo into the Spaniſh ports afterwards, and all other petty charges, 10 per cent is loſt out of the principall at the firſt which might be all ſaved if the goods went directly to Brugis or Antwerp, under a regulation and find ready money at the Market price for their lading.

Whereas now the goods being left in the hands of Hollanders for ſail, 6 per cent is preſently allowed for money advance to buy Dutch ſlight Ships, ropes, and takling, Flax, Spice and Drugs &c. for returns; that in concluſion when accounts are made up at the next voyage, which the poor Scotch and Iriſh are obliged to make unto the ſame ports (or loſe their effects left there) they find ſo many bad debts and other defalcations; that upon the matter, with all their Merchandiſe and Commerce they do but toil and work onely for the Hollanders.

England ought to be the Magazin for Scotland and Ireland, in regard the Crown of England defends them both at Sea, and can furniſh them both with all forraign goods much cheaper then they ſhall fetch them from Holland; where many times they are frozen up 3 or 4 moneths in the year, and have ſpent all their money they got in the ſommer with their thin-ſided Ships of Sardam whoſe tender Ribbs are often broken with the Ice in the Southern Sea. The Scotch having liberty to ſail in forraign-built Ships will never build any good Veſſels at home or ſet their own people at work upon any materialls that are uſefull for Navigation. The Iriſh are as bad, and have the ſame qualities in deſtroying the Engliſh Navigation by naturalizing Dutch Ships. As to my knowledge, a Magiſtrate of Limbrick being at Fluſhing in the year 1675. gave 13. paſports under his hand and ſeal of his office to ſeverall Zealanders for their Ships to paſs free as Veſſels belonging to that Iriſh Port. But as for the Scotch, they are ſo dertrous in that art, that ſeverall hundred paſports have been given out at Rotterdam and Campheer in one year with blanks for the names of the Maſters. A French Privateer in the ſpace of one moneth met with ſeven and twenty Ships bound to France and Flanders all from Kercady a Port in Scotland; although 3 parts of the Seamen were Dutchmen, yet a Scotch Maſter hired from Rotterdam colours both Ship and goods. Wherefore if there be not acts of Parliament made in Scotland and Ireland as well as in England for the better regulation concerning their Navigations where all their Ships and Pynaces ought to be regiſtred in every Port, and all Seamen and Fiſhermen from the age of ten years to ſeaventy, duly entred with ſevere penalties and puniſhments upon all perſons that ſhould tranſgreſs againſt thoſe rules and ordinances there preſcribed, then Forraigners will ſtill plough with Engliſh, Scotch and Iriſh heifers.

Now to the great ſhame of ſuch Engliſhmen be it ſpoken who at home and abroad have uſed all their endeavours poſſible to ſpoil the Engliſh Navigation: Amongſt many hundred examples, I will demonſtrat one, whereby the Reader may take his meaſures concerning the reſt, and ſee how Engliſh men that ſhould have taken opportunity of the times to inrich themſelves and their own Countrey, have given the advantage to Strangers. I am unwilling to nominate in this place ſeverall very conſiderable Merchants in London who have hired out their names at Rotterdam, Dunkirk, Oaſt-End, and ſeverall other Ports where Strangers goods have been ſhipt under their coverts, and even the Veſſels owned for Engliſh that never were in any Engliſh Port; yet they have paſſed courant oftentimes for free Ships and free goods.

A Brief relation concerning Capt. Edward Cotterell, *and ſeverall Merchants in* Rotterdam, Middleburg, Flushing, Camp-Veer *and* Duinkirk.

CAptain *Edward Cotterell* an Engliſhman who had formerly ſerved in one of his *Majeſties* Fregats, being at *Rotterdam* in the moneth of Decemb. 1675. with a Merchant Dogger-Boat about eighty ton whereof he was calld both Owner and Maſter, which Veſſel he had named the *Edward* and *Olive* of *London* was fraighted at *Rotterdam* by two Brokers that dealt for *French Merchants*, and took in his lading of Salt, Salmon, Soap, Sugar, Barrell-Codd, fine black *Leydens* Cloath, *Leydens* Stuffs and Stockings with ſeverall ſorts of ſpice and other goods to the value of 3000 pounds ſterling and upwards, who ſigned all the bills of lading for *Dunkirk* whither he was bound under the Notion of a free Ship, yet moſt of the Chief goods were ſhipt (as they pretended) upon Merchants accounts living in *London*, and ſo bills of loading ſigned accordingly.

The

The Inſinuation and Proteſt of Mr. George Carew: *delivered to the* Magiſtrates *of the Principal Cities and Towns in* Holland *and* Zealand, *who have voices in the Government of thoſe* Provinces, *and likewiſe to the* Directors *in the ſeveral Chambers of the* Eaſt- *and* Weſt-India Companies *there reſpectively.*

UPon the ſecond day of February, in the year of our Lord, 1676. English ſtile, *George Carew* of *Richmond* in the County of Surrey in the Kingdom of *England* Eſq. Adminiſtrator of the Goods and Chattels, debts and credits of Sr. *William Courten* and Sr. *Paul Pyndar* Knights deceaſed, (with there Wills annexed) and joyntly Aſſignee with others, of Sr. *Edward Littleton*, and likewiſe of the Commiſſioners upon the ſtatutes made concerning Banckrupts againſt *William Courten*, Son and heir of Sr. *William Courten*, in right of all the goods, Credits, and Effects whatſoever belonging to the ſaid *William Courten* in any parts of the world: and general Procurator of the Proprietors and Adventurers with Sr. *William Courten* in his Enterprizes to the Eaſt-Indies, *China*, and *Japan*; In the ſeveral qualities aforeſaid: The ſaid *George Carew* perſonally appeared the day and year aboveſaid before me *Godfrey* van *Hill*, Notary Publique (ſworn and admitted by the Soveraign Provincial Court of *Holland*,) reſiding in the Citie of *Amſterdam*, and in the preſence of the Witneſſes hereunder written, did ſolemnly and openly aſſert and declare the matters contained in the Aricles following, and proteſt againſt all perſons whatſoever hereafter mentioned in the Provinces of *Holland* and *Zealand*, for all dammages, coſts, and Intereſts already ſuſtained or that may be ſuſtained for or by reaſon thereof.

1.

WHEREAS King Charles the firſt (of ever bleſſed memorie) in the year 1635. by His letters patents under the great Seal of England, for the reaſons and Eſpecial conſiderations there in contained, granted Licence with certain Priviledges unto Sr. William Courten and a Select Company of Merchants of London, and other adventurers in a joint ſtock with him to trade unto the Eaſt-Indies, China, and Japan, and parts adjacent, in conſequence whereof ſeveral Factories were ſetled at Maccao, Canton, Carwar and other places, by vertue of contracts with the King of Spain, and Vice-Roys in thoſe other Kingdoms, Empires and Dominions reſpectively.

2. That ſeveral unkind Offices being done unto Captain John Weddall and Nathanaell Mountney Commanders of the two Ships named the Dragon and Catharine by the Officers and Miniſters of the Eaſt-India Company of the Netherlands in their Navigations upon the Coaſt of India from Port to Port on their trading Voyages, and threatning the ſaid Weddall and Mountney, that if they arrived in any places where the Dutch Eaſt-India Company traded, that they would affront them, and watch for their returning home, and by what accident or misfortune, (which as yet is not publickly known or diſcovered) the ſaid two Ships being richly laden for the account of the ſaid Sr. William Courten and Company to the value of one hundred and ſixty thouſand pounds Sterling, and coming from Iapan bound for England in the year 1638. ſo miſcarryed, that from the time of their departure to this day the Proprietors never heard what became of the men, Ships, or Goods.

3. That afterwards the ſaid William Courten Son and heir of Sr. William, with the reſt of the Proprietors and Adventurers, in the year 1641. Set forth (amongſt others) the Ships named the Bona Eſperanza and Henry Bona Adventura with moneys and merchandize for ſupply of the ſaid factories.

4. That William Courten in the moneth of April 1642. having aſſigned his ſhare and ſtock in the ſaid Ships and Company to Sr. Edward Littleton for payment of debts, and Sr. Edward Littleton in the moneth of December 1642. having aſſigned ſeveral ſumms of money out of the ſaid Ships lading and fraights unto Sr. Paul Pyndar, the ſaid Ships and their lading were ſurprized in the year 1643. by the Officers of the Eaſt-India Company of the Netherlands, who took them into their poſſeſſion with all the books, papers, writings, contracts and journals on board, and detained and converted them to their own uſe, againſt all the Laws of property and common right.

5. That William Courten in the year 1644. Abſented himſelf from his Creditors and became inſolvent, yet combined with Jacob Pergens of Amſterdam in the year 1648. unto whom Courten made a ſubſequent aſſignment of his ſhare and ſtock aforeſaid, which indirect practice being come to the knowledge of Sr. Paul Pyndar and Sr. Edward Littleton, they intimated their right and property by Ionas Abeels unto the Eaſt-India Company of the Netherlands, interdicting the Directors at their Chamber in Amſterdam from any tranſaction with the ſaid Pergens, proteſting for all coſts, dammages and intereſts, as by the Notarial Acts appears: yet notwithſtanding in the year 1649. Pergens and the Directors of the Company made a colourable agreement for Courtens pretence of Action, for Eighty five thouſand gilders, upon Caution of Peter Boudaen to indemnifie the Company againſt Pyndar and others.

6. That in the year 1660. King Charles the Second being reſtored to His Crown and Kingdoms, the Proprietors and joynt Adventurers with Sr. William Courten addreſſed themſelves to His Majeſty for relief concerning the ſaid ſpoils and dammages, who recommended the ſame to the States General, and provided by a ſpecial agreement in the 15. Article of the Treaty concluded at London, in the year 1662. that thoſe dammages and ſpoils ſhould be Amicably compoſed by conferences of State at the Hague between Sr. George Downing and the Deputies of the States General for Engliſh affairs: Whereupon Mr. John de Wit and Mr. Peter van Dam Advocate of the Eaſt-India Company with ſeveral Directors had ſundry conferences and debates with Sr. George Downing in the years 1663. and 1664. in the Chamber of the States General: but the Eaſt-India Company would not come to any poſſitive Agreement concerning the ſaid dam-

mages, then his Majestie in the year following granted special repzisals unto Sr. Edmund Turnor and this Insinuant their Executozs and assigns to be in full fozce and effect untill the summ of 151612. pound Sterling should be recobered with Costs and Dammages from the States General and their Subjects: as by the Copie of the said letters Patents under the great Seal of England hereunto annexed appears.

7. That James Boeve at the request of this Insinuant, in the year 1666. gave a Copie of the said Patent unto Mr. Peter van Dam to shew the Company that they might understand how His Majesty had granted a power out of himself unto particular persons, according to the Law of Nations, and so made the Soveraign demand into a special grant upon record, (against which there is no aberrment,) whereof the Company was obliged to take notice, and that nothing could alter nor ze or make void the said Patent, but satisfaction of the dammages oz a composition with the parsons interested in the said grant, (wherein the King was not deceived) being such a Judicial Act no ways repugnant to the Laws of God oz Man, whereby those spoyls and dammages done and committed in times of Peace and common Amity, should be recobered oz repzised in the like times, if the East-India Company would not be inclined to make restitution by amicable means.

8. That notwithstanding the advice and admonitions, the East-India Company of the Netherlands would not take any Cognizance thereof, but on the contrary John de Witt and others, upon the surprise at Chattam, presumed that such a solemn grant could be moztified and extinguished by general wozds at Breda, without other satisfaction then new aggravations, foz which the land mourns.

9. That in the year 1671. the Pzoprietozs and Interessed in the Bona Esperanza and Henry Bona Adventura having made new addresses to his Majesty in Council, the said Cause was revived by several ozders, references, and repozts, all signifying, that the King was obliged in Justice and Honour to require satisfaction from the States General and their Subjects foz the said Ships according as it was setled in the said letters Patents. The States General having cancelled all treaties by breach of Covenants.

10. That in pursuance thereof, the Original Ozders and Repozts and His Majesties letters were sent expzess with this Insinuant and others, to the Plenipotentiaries from the King at Utrecht and Cologne to insist upon satisfaction accordingly, the King having intimated therein, that His care in this affair should be as much to protect his Subjects in their Just rights as to Assist them in the recobery thereof, all which came to the knowledge of the States General. The States of Holland having taken away the said papers & ozders from this Insinuant, whom they detained a close Pzisoner at the Hague twenty moneths, where he and his servants were affronted contrary to the Laws of Nations having Paspozts from the States Commissioners at Hampton Court. on the 5. of July 1672.

11. That to take away all differences and disputes concerning the said Ships and their lading, the States General (as they do alledge) in the last Treaty at London agreed to pay 800000. Pattacons at 4. several payments, the first being only made, whereof this Insinuant received fifty pounds from Alderman Backwell, by ozder of the Right Honorable Thomas Lord Viscount Latimer, Lozd High Treasurer of England, and 150. pound from the States of Holland, towards his extraozdinary expences and incident disbursments during his Imprisonment.

12. That the Insinuant upon his releasment (without any pzejudice to his further right and demands against all other persons,) assigned 5500. pound Sterling to Mr. Marke Fletcher of Middleburgh, which money was resting in the hands of Iacob Pergens a trustee of Courten, (being particularly granted before to Sr. Paul Pyndar) in lessening of the debt and dammages concerning the said Ships their fraights and lading, the payment whereof Pergens also obstructed by extrajudiciall and impertinent ozders of the States of Holland.

13. That although this Insinuant hath the greatest confidence in the Justice and Honour of the King (who can do no wzong) yet being obliged in this Case to use his diligence wherein so many Families of Ozphans and Widows are concerned, (whose bzead is eaten by strangers) the Insinuant therefore hath not been wanting to addzess his humble requests severally to the King of Great Britain, and the States General concerning the same.

14 That this Insinuant being further obliged, by the impoztunities of several Creditozs claiming under his Administration to put pour Lozdships of the common Councell of the several and respective Cities and Towns in Holland and Zealand, in remembzance, as also the Directozs of the several and respective Chambers of the East and West-India Companies of the Netherlands, that untill satisfaction and reparation be made according to the true intent and purpozt of the said letters Patents, the demands continue upon recozd (in statu quo) the pzice of so much English bloud and treasure already spent in the bindication thereof.

15. That the supzeam Court of Judicature at the Hague having denied the Insinuant admittance in a cause of intervention against Jacob Pergens upon a bond of 3000. pound, wherein Sr. Iacob Catts late Chancelor of Holland stood bound unto Sr. William Courten; The Insinuant was remboyed oz remobed to the Magistrates of Amsterdam as Competent Judges of Pergens, who had made his exception of Burger-right, where the Insinuant was ozdzed to sue him; Nevertheless both parties having pzoceeded in Amsterdam and bzought the Cause into a state foz sentence, yet the Scheepens oz Iudges refused to pzonounce the same; Although the Insinuant constantly solicited the Lords thereunto thzoughout the whole year 1676. Where at last they alleadged that the States of Holland had interdicted them from doing any Justice therein, as by the deduction of the Case appears.

16. That the Scheepens oz Iudges of Middleburgh and also the supzeam Court of Iudicature at the Hague, have severally delayed and denied this Insinuant and Mr. Iohn White and Mr. James Boeve, the due administration of Justice and Equity upon diverse Judiciall Acts and decrees of the Prerogative Court of England whereby they were sufficiently impowred to require an account of Peter Boudaen of Middleburgh Merchant deceased, and of his Sons and Heirs foz several vast summs of money dzawn out of England by Sr. Peter Courten in Company with Sr. William Courten and Iohn Moncy upon their Linnen trade and other Merchandizes, whereupon the Kings Subjects were not only defrauded, but the Judicature of England wronged by those Sinister Pzactises, fomented by Iacob Pergens, Pieter Boudaen and his Sons. The Insinuant therefoze on the 6. day of November, 1675. made an interdiction and protest at the several Chambers of the East- and West-India Companies in Middleburgh pzohibiting the Directors in the said Chambers to make any reparitions of monies (Pendente Lite) upon any Obligations oz Actions unto Mr. Iohn Boudaen, Peter Boudaen, Walter Boudaen, Henry Boudaen, Catharine Boudaen and Constantia Boudaen, Sons and Daughters of Pieter Boudaen, oz to transferr oz aleniate any such Action oz Obligation belonging to the said Boudaens oz either of them, foz that it appeared upon recozd in England, (as a Capital offence foz which Sr. William Courten was committed to Pzison) that several great quantities of gold (which Sr. William Courten had taken up at interest

of

of his Creditors) was transported to Sr. Peter Courten at Middleburgh, who had indirectly imployed the same in purchasing of Original Actions in the East- and West-India Companies, and that since his death, the said Peter Boudaen and his Sons taking advantages of the Civill warrs in England and the Iniquities of these times, have wholy refused to account for the summ of 122138. pounds Sterling gotten into their hands, as by the ballance of the Books kept in England appears, and notwithstanding the said Insinuation, interdiction and protest was read by H. van Rijckegem Notary Publick in the Chamber of the East-India Company at Middleburgh before Mr. Gillis Mijenius, Iacob Hoorn, Mr. Daniel Fanmius and Alexander de Munck Directors of the Company, and caused by the whole Colledge to be registred in their Books, and that this Insinuant did also on the 3. March 1676. new stile, make a presentation to the Magistrates of Middelburgh in writing to avoyd all further troubles and inconveniences, that all differences, and accounts might be referred unto neutral Merchants and others there under mutual Obligations to abide their award, and final determinations, yet the said Boudaens have obstinately refused to come to any account, or to referr the same, but in contempt of all Laws and Prosecutions, admonitions and recommendations whatsoever do keep the Effects of Sr. William Courten, and his Sons Estates in their hands, to the prejudice of this Insinuant and all other Creditors claiming the same.

WHerefore this *Insinuant*, being also obliged by Sacred Oaths and Covenants in the Prerogative Court to use his utmost indeavours for satisfaction of the said Creditors (who dayly quicken him by their memorials) doth solemny protest, on the behalf of himself and the rest of the Proprietors, and all other persons whatsoever, (whose moneys were lent upon the several Obligations of *Sr. William Courten*, *William Courten* Esq. his Son, *Sr. Edward Littleton*, the late Eatle of *Bridgwater*, *Sr. Paul Pyndar*, *Samuel Bonnell* and *David Goubard*, yet standing out amounting unto *two hundred* & fifty *thousand pounds* Sterling and upwards) for all dammages, Costs and Interest sustained already or that shall be sustained by reason of the premisses, or any part thereof, against the worshipfull *Magistrates* & *Common Councell* of the several Citties, & Towns in *Holland* and *Zealand*, that have their deputies in those *States* Provincial, or Councel of *State*, Provincial Court of Justice, or Supream Court of Judicature, at the *Hague* respectively, and especially against the *Magistrates* of *Amsterdam* and *Middleburgh*, and the Directors of the *East-India* Company there; In Witness whereof the Insinuant hath hereunto set his hand the day and year aforesaid.

George Carew.

Declared and Subscribed in the Presence of

Robert Parker.
Henry Meoles.

Godfrey van Hill Notary Publique.

Mutatis Mutandis delivered in Dutch to the 18. several Cities in *Holland*, (viz) *Dort*, *Haerlem*, *Delft*, *Leyden*, *Amsterdam*, *Tergou*, *Rotterdam*, *Gorcum*, *Schiedam*, *Schoonhoven*, *Briel*, *Hoorn*, *Enckhuysen*, *Alckmaer*, *Medenblick*, *Edam*, *Munnewkedam* and *Purmerent*.

Also to the 6. *States* or Cities in *Zealand* as follow, *viz.* *Middleburgh*, *Flushing*, *Camp-veer*, *Ter-goes*, *Zirickzee*, *Ter-tolen*.

And to the 6. Chambers of the *East-India* Company, *viz.* *In Amsterdam*, *Middleburgh*, *Rotterdam*, *Delft*, *Hoorn* and *Enckhuysen*.

TO THE

[illegible]he Knights, Citizens and [illegible] in Parliament aſſembed.

[illegible] of [illegible]dward Graves *and* Sr. John Ayton *Knights*, [illegible]e, Charles Whitaker, George Carew, William Hinton, Thomas [illegible] Gilbert Crouch *and* Richard Jones *Eſquires*. Mary Loyd, Heſter [illegible] *and* Elizabeth Bartlet, Widows, Richard Toomes, Iohn Gifford, William Morehead, Euſebius Mathews, *and* Thomas Hamond *Gentlemen*. Marke Fletcher *and* Iames Boeve *merchants* : *On the behalf of themſelvs and many hundreds of His Majeſties good Subjects of* England, *Eſpecially concerned in the Caſes annexed.*

Sheweth

THat Sr. *William Courten*, Sr. *Peter Courten*, and *John Money* of *London*, Merchants traded in Companie many years together in the linnen Manufacturs, and other Merchandizes, wherein *Sr. William Courten* had two parts of the ſtock, and Each of the other a fourth part.

That Sr. *Peter Courten* ſettled himſelf at *Middleburgh* in *Zealand*, where he drew many vaſt ſumms of money out of *England*, which were taken up at Intereſt in *London*, and dyed indebted to the ſtock of the Company, the ſumm of £22138---10----6. Sterling, as by the ballance of the Books kept in *England* hereunto annexed appears.

That Sr. *Peter Courten* left *Peter Boudaen* of *Middleburgh* Merchant his Nephew ſole Executour, who poſſeſſed himſelf of all the Books of account kept in *Zealand*, and the Eſtate both reall and perſonal of Sr. *Peter Courten* : and being afterwards queſtioned at Law by Mr. *John White*, *James Boeve* and *George Carew* ſeverally concerning the ſaid monies; The ſaid *Peter Boudaen* uſed all manner of Siniſter practiſes to avoid coming to any account, and took advantage of the late times and troubles, to obſtruct the ordinary Courſe of Juſtice during his life, as his Sons and Heyrs have ſince done the ſame; Whereby the due adminiſtration of Juſtice hath been often denyed, and the Judicial Acts and decrees of the Prerogative Court, and High Court of Chancery, ſlighted and contemned in the Ordinary Courts of Judicature in *Holland* and *Zealand*, to the great oppreſſion of your Petitioners and many Orphans and Widows, claiming the Effects of Sr. *William Courtens* Eſtate, and his Sons, as alſo Mr. *John Moncies* and Sr. *Paul Pyndars* gotten into the hands of the ſaid *Boudaens*, *Jacob Pergens* and other Inhabitans of *Amſterdam* and *Middleburgh*, as by the deductions of the ſeveral Caſes hereunto annexed appears.

Now forasmuch as your Petitioners are left without all other remedy (the King's *recommendations to the* States General *for juſtice being alſo ſlighted and contemned) and it being of moſt dangerous conſequence to ſuffer the Iudicature of* England *to be wronged, and the rights and properties of the Subjects to be loſt through the erronious practiſes in forraign Courts of Iuſtice contrary to the Laws of Nations* :

Your Petitioners do therefore moſt humbly pray, that your Honours would take their Grievances into your moſt ſerious conſiderations : And upon Examination thereof to repreſent the ſame, by ſpecial addreſs to His *Majeſtie*, that ſome ſpeedy and Effectual relief may be had therein, according to the Merits of the ſaid Cauſes.

And your Petitioners ſhall ever pray, &c.